

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson also invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

GENERAL ADMINISTRATION

Notice was duly published January 9, 2007 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 17, 2007, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Friday, January 19, 2007:

2:30 CST Commission Library, Lincoln; Columbus Public Library, Columbus Room, 2nd floor, 2504 14th Street, Columbus; McMillen Hall, Room 208, 1205 East 3rd Street, McCook; Panhandle Learning Center, High Plains Room, 4502 Avenue "I," Scottsbluff. Nebraska Internet Enhancement Fund (NIEF) Advisory Board Meeting

Monday, January 22, 2007:

C-3554/ Commission Library, Lincoln. Planning Conference.
PI-112 In the Matter of the Commission, on its own motion, seeking
2:00 to investigate whether the zones established in Docket C-2516 are appropriate in light of NUSF-26 findings and conclusions. Commissioner Vap presiding as Hearing Officer.

NUSF-50 Commission Library, Lincoln. Prehearing Conference.
PO #2 In the Matter of the Commission, on its own motion, seeking
2:00 to make adjustments to the universal service fund mechanism established in NUSF-26. Commissioner Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

AD-375r In the Matter of Omaha Public Library, Omaha, seeking authority to register and connect an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1322 In the Matter of Amy Miller, Legal Director and Representative of the American Civil Liberties Union Nebraska, Lincoln vs. AT&T, Lincoln, alleging disclosure of customer's private phone records without customer's knowledge or consent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1324 In the Matter of Amy Miller, Legal Director and Representative of the American Civil Liberties Union Nebraska, Lincoln vs. Verizon, Lincoln, alleging disclosure of customer's private phone records without customer's knowledge or consent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3726 In the Matter of American Fiber Network, Inc., Overland Park, Kansas, seeking authority to operate as a local exchange carrier and interexchange carrier of telecommunications services within the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3727 In the Matter of Lightyear Network Solutions, LLC, Louisville, Kentucky, First Communications, Inc., Akron, Ohio and First Communications, Inc., Akron, Ohio, seeking approval of a transfer of control: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3730 In the Matter of Journal Communications, Inc., Milwaukee, Wisconsin, Norlight Telecommunications, Inc., Brookfield, Wisconsin and Q-Comm Corporation, Las Vegas, Nevada, seeking approval of the transfer of control of Norlight Telecommunications, Inc. to Q-Comm Corporation: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3731 In the Matter of the Curtis Telephone Company, Curtis, Consolidated Companies, Inc., Lincoln and Curtis Transitory Sub, Inc., Lincoln, seeking approval of a change of controlling interest in the Curtis Telephone Company: A hearing was scheduled for January 30, 2007 at 11:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Vap was appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3744 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System to be effective July 1, 2007, in the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order opening the docket and scheduling a hearing for March 6, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Vap was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3745/ In the Matter of the Commission, on its own motion, seeking
PI-126 to investigate time release intervals for participants of telephone calls once a disconnect signal or on-hook signal is detected: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order opening the docket and scheduling a workshop for February 26, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-017/ In the Matter of the Commission, on its own motion, seeking
PI-116 to establish interim policies for the administration of the Enhanced Wireless 911 Fund pending implementation of LB 1222 [2006]. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to ratify the order entered January 9, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley informed the Commission that the Wireless E911 Advisory Board Meeting previously scheduled for February 5, 2007 has been rescheduled for February 26, 2007 at 10:00 a.m. in the Commission Library, Lincoln.

NUSF-33/ In the Matter of the Commission, on its own motion, seeking
PI-68 to investigate the audit requirements related to the Nebraska Universal Service Fund. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for February 28, 2007 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26. Commissioner Landis presiding as Hearing Officer: Jeff Pursley discussed the Hearing Officer's Order entered January 17, 2007, scheduling a prehearing conference for January 30, 2007 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

NUSF-57 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Telehealth Program. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order regarding funding adjustments and ratify the December 5, 2006 Commission Meeting minutes. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-65 In the Matter of the Commission, on its own motion, seeking to investigate whether it should adopt standards for deployment and access to advanced services. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order opening docket and seeking comments due on or before February 27, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley discussed the Universal Service Fund Advisory Board and the re-appointment of Dave Glover as representative of Rural Health Care, seeking new representatives to the Telecom Carriers and to the Commission. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to re-appoint Dave Glover to represent Rural Health Care. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley reported on the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to grant the waiver request from USA Digital for the late-filed September, 2006 worksheet and associated late fee levied by the Commission in the November 21, 2006 Commission Meeting. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Nichole Underhill reported on legislation introduced to date affecting the Commission.

TRANSPORTATION DEPARTMENT

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was decreased to 54 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-615 In the Matter of Oshkosh Grain, Inc., Oshkosh: John Fecht reported on a shortage of corn.

GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick, seeking a \$25,000.00 deductible on its stock insurance coverage: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the deductible. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-1136 In the Matter of Central Valley Ag Cooperative, Nonstock, St. Edward, seeking a \$25,000.00 deductible on its stock insurance coverage: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the deductible. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-2134 In the Matter of Schaefer Grain and Feed, Inc., Plainview, seeking to buy the grain represented on lost receipt B680058 issued to Eden Valley Farms, Omaha: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Anne Boyle, Tim Schram, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Tim Schram, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Thomson West	\$	591.14
Rod Johnson		373.45

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to grant authorization to purchase a 2007 Chevrolet Impala. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant authorization to surplus Vehicle #12058, a 2002 Dodge Caravan SE (Wally Driewer). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter into closed session for the purpose of protecting the public interest and to discuss an on-going Commission investigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission went into closed session at 10:33 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:43 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the contract for legal services related to addressing the audit report, NUSF and wireless E911. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:52 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on January 23, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 22, 2007.

Chairman

Executive Director