

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. No comments were made.

#### GENERAL ADMINISTRATION

Notice was duly published May 29, 2007 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 5, 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:

Tuesday, June 5, 2007:

NUSF-4/ Commission Hearing Room, Lincoln.  
PO #12 In the Matter of the Commission, on its own motion, seeking  
1:30 to determine the level of the fund necessary to carry out  
the Nebraska Telecommunications Universal Service Fund Act.  
Commissioner Landis presiding as Hearing Officer.

Rule and Commission Hearing Room, Lincoln.  
Regulation In the Matter of the Commission, on its own motion, seeking  
#169 to amend Title 291, Chapter 7, Transmission Lines Rules and  
3:00 Regulations, to adopt the 2007 edition of the National  
Electrical Safety Code as the official rules of the Commission for the construction, operation, and maintenance of  
overhead and underground electric transmission lines.  
Commissioner Schram presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in May 2007. She reported there were a total of 71 complaints: 42 - wireline and 29 - wireless. The complaints were categorized as follows: 44 billing, 15 service and 12 miscellaneous issues.

C-3728/ In the Matter of the Commission, on its own motion, seeking  
PI-125 to investigate consumer complaints concerning the receipt  
of certain pre-recorded telephone messages in Nebraska:  
Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order issuing findings and closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3788 In the Matter of Cable USA III, LLC, Scottsbluff, seeking authority to provide local exchange and interexchange telecommunication services in the State of Nebraska: Commissioner Vap was appointed as Hearing Officer.

WT-06-150 In the Matter of Service Rules for the 698-746, 747-762 and  
WT-06-169 777-792 MHz Bands; Former Nextel Communications, Inc. Upper  
PS-06-229 700 MHz Guard Band Licenses and Revisions to Part 27 of the  
WT-96-86 Commission's Rules; Implementing a Nationwide, Broadband,  
Interoperable Public Safety Network in the 700 MHz Band  
Development of Operational, Technical and Spectrum Requirements for  
meeting federal, state and local public safety communications require-  
ments through the Year 2010: Motion made by Commissioner Jerry Vap,  
seconded by Commissioner Anne Boyle, to ratify the signing of the com-  
ments with the Federal Communications Commission filed June 4, 2007,  
in these dockets. Motion passed with Commissioners Anne Boyle, Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand informed the Commission that Northeast Nebraska Telephone Company and Clarks Telephone Company will be conducting informational meetings to address a proposed merger on Tuesday, June 12, 2007, at 2:00 p.m. at the Clarks Lion Club and 7:00 p.m. at the Ulysses Community Hall.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-29 In the Matter of the Commission, on its own motion, seeking to establish testing standards for the implementation of Enhanced Wireless 911: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-68 In the Matter of the Distance Education Council of Nebraska seeking support from the Nebraska Universal Service Fund for use in distance education: Jeff Pursley reported on the Distance Education Council's application.

WC Docket In the Matter of High-Cost Universal Service Support  
#05-337 Federal-State Joint Board on Universal Service: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve filing of comments regarding the interim cap. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter assessment order GDS-004. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0048 In the Matter of NorthWestern Corporation, d/b/a NorthWestern Energy, Sioux Falls, South Dakota, seeking approval of a natural gas rate increase for Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter a Protective Order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

P-0012.1 In the Matter of Aquila, Inc., d/b/a Aquila Networks,  
P-0012.2 Omaha, providing notice required by *Neb. Rev. Stat. Section 66-1863*, as amended, that it intends to extend or enlarge its service area or extend a gas main. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order closing the dockets. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1325 In the Matter of SourceGas Distribution, LLC, f/k/a Kinder Morgan, Inc., Complainant v. Panhandle Feeders, Inc., Defendant. Commissioner Vap presiding as Hearing Officer: Laura Demman reported on the Hearing Officer's order entered June 1, 2007, granting Panhandle Feeder's motion for extension of time to file answer.

TRANSPORTATION DEPARTMENT

M-14192 In the Matter of Rodriguez Brothers, Inc., d/b/a Rodriguez Brothers, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in Nebraska over irregular routes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Tim Schram, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

TR-157 In the Matter of Servant Cab Company, LLC, Lincoln, seeking authority to amend its rates and charges: Upon agreement of all Commissioners, a hearing was scheduled for June 26, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis was appointed Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

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 Goods Tariff 73: The fuel surcharge was retained at 68 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1871 In the Matter of Hergert Grain, Inc., Scottsbluff: John Fecht reported, and the Commissioners discussed, the results of the June 4, 2007 hearing.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE.

Attorney General	\$ 2,719.63
Robert Hotz	6,250.00
Fred Massing	1,216.85
Kent Pribyl	1,096.36
Anne Boyle	814.80
Tim Schram	395.76

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to authorize Commissioner Anne Boyle to travel to and attend the Iowa Telephone Association meeting to be held in Coralville, Iowa on June 3-4, 2007 with all travel expenses to be paid by the Iowa Telephone Association. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation for Fred Massing to travel to and conduct a modular housing unit factory inspection, at Wardcraft Homes in Clay Center, Kansas on June 5, 2007, with all expenses, including time, to be reimbursed by Wardcraft Homes, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to surplus Vehicle #10579, a 2001 Chevrolet Lumina (Dave Meyer). 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 approve the following Executive Director's recommendations: Accept bids for Phases 1 through 4 of the renovation project; reupholster eight Commission highback chairs for use in the front conference room; purchase new table for front conference room; purchase new chairs for Commissioners and Executive Director in the Commission Hearing Room; purchase new reception desk and mail center; and purchase new return for existing desk for Executive Assistant. Motion passed with Commissioners Anne Boyle, Rod Johnson and Jerry Vap voting AYE, and Commissioners Frank Landis and Tim Schram voting NAY.

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The meeting adjourned at 10:43 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on June 12, 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 June 11, 2007.

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Chairman

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Executive Director