

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. Chair Boyle invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published March 25, 2008 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 1, 2008 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, April 1, 2008:

FC-1327 Niobrara Conference Room, Lincoln. Interested parties  
11:00 unable to attend may participate by dialing 877-229-1563  
and providing access code: 04010857. In the Matter of the  
Formal Complaint of the Nebraska Public Advocate seeking a  
determination that Kinder Morgan, Inc. and/or its successor  
in interest, SourceGas Distribution, LLC improperly imple-  
mented, billed and received payment for interim and final  
rates in Docket NG-0036 for which customers are entitled to  
a credit or refund from Kinder Morgan, Inc. and/or Source  
Gas Distribution, LLC. Commissioner Vap presiding as Hear-  
ing Officer.

#### Monday, April 7, 2008:

FC-1330 Commission Hearing Room, Lincoln. Oral Argument.  
3:00 In the Matter of Cornerstone Energy, LLC d/b/a Constella-  
tion NewEnergy-Gas Division CEI, LLC, Omaha vs. Aquila,  
Inc., d/b/a Aquila Networks, Omaha, alleging violation of  
Energy Options Tariff. Commissioner Landis presiding as  
Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in March 2008. She reported there were a total of 93 complaints: 58 - wireline and 35 - wireless. The complaints were categorized as follows: 45 billing, 28 service and 20 miscellaneous issues.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders granting the applications in Dockets AD-429r through AD-432r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-429r In the Matter of Diversified Collection Services, Inc., Livermore, California seeking authority to register the connection of an automatic dialing-announcing device.

AD-430r In the Matter of Meridian Central Public Affairs, LLC, Omaha, seeking authority to register the connection of an automatic dialing-announcing device in Denver, Colorado.

AD-431r In the Matter of Meridian Central Public Affairs, LLC, Omaha, seeking authority to register the connection of an automatic dialing-announcing device in Las Vegas, Nevada.

AD-432r In the Matter of Meridian Central Public Affairs, LLC, Omaha, seeking authority to register the connection of an automatic dialing-announcing device in Dallas, Texas.

C-3423 In the Matter of the request by 34 Nebraska Rural Local Exchange Carriers to revise the Commission's July 20, 2004 Order Granting Suspension of the Federal Communications Commission's Requirement to Implement Wireline-Wireless Number Portability Pursuant to 47 U.S.C. 251(f)(2). Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application and to approve the stipulation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3906 In the Matter of New Century Telecom, Inc., Roswell, Georgia, seeking authority to withdraw their inter-exchange certificate within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. 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 Frank Landis, to approve the transfer of funds from the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund as mandated by LB 775. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

A motion was made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve filing the 700 MHz letter with the Federal Communications Commission. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders granting the applications in Dockets C-3900, C-3907, C-3909, C-3910, and C-3911. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

- C-3900 In the Matter of the Petition of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking arbitration of an interconnection agreement with Alltel Communications, Inc., Little Rock, Arkansas, pursuant to Section 252 of the Telecommunications Act of 1996.
- C-3907 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a Triennial Review Order and Triennial Review Remand Order ("TRO/TRRO") Amendment to the Interconnection Agreement with BullsEye Telecom, Inc., Oak Park, Michigan, previously approved in Docket C-3179.
- C-3909 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an Omaha Forbearance Order (OFO) Amendment to the Interconnection Agreement with BullsEye Telecom, Inc., Oak Park, Michigan, previously approved in Docket C-3179.
- C-3910 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a wireline Interconnection Agreement with Global Crossing Telemanagement, Inc., Pittsford, New York.
- C-3911 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a wireline Interconnection Agreement with Syniverse Technologies, Inc., Tampa, Florida.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders granting the applications in Dockets E-2177 and E-2181. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

- E-2177 In the Matter of Niobrara Valley Electric Membership Corporation, O'Neill, seeking authority to construct, operate and maintain an electric transmission line in Holt County.
- E-2181 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-024.15 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Great Plains GIS Partnership. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting repository access. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-030.05 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. Cricket Communications, Inc., San Diego, California, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve opening a complaint against Cricket Communications for failure to file the required quarterly reports. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-031.01 In the Matter of the Commission, on its own motion, seeking to establish surcharges assessed on users of prepaid wireless service and methods for the collection and remittance of surcharges from carriers offering prepaid wireless services: TracFone Wireless, Inc. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order rejecting the proposed prepaid method. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-34 In the Matter of TracFone Wireless, Incorporated, seeking a refund from the Wireless Enhanced 911 Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving a stipulation and refund and closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1, PO #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Sagir, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to accept the deviation in agreed upon procedures language for this company. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in Docket NUSF-26: Hershey Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order scheduling a hearing for April 16, 2008 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. Commissioner Vap was appointed Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-73 In the Matter of Bell Atlantic Communications, Inc., d/b/a Verizon Long Distance, seeking a waiver of Telecommunications Rules and Regulations found at Title 291, Chapter 5, Sections 002.01 and 002.02. Commissioner Schram presiding as Hearing officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting a waiver request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley recommended that late fees be levied against AirCell, Inc. and Cricket Communications and that complaints be opened against Global Crossing and Movida Communications with the existing complaint against Helio, LLC being amended to include the late filed February, 2008 worksheet: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to levy late fees against AirCell, Inc. and Cricket Communications and that complaints be opened against Global Crossing and Movida Communications with the existing complaint against Helio, LLC being amended to include the late filed February, 2008 worksheet. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1330 In the Matter of Cornerstone Energy, LLC, d/b/a Constellation NewEnergy-Gas Division CEI, LLC, Omaha vs. Aquila, Inc., d/b/a Aquila Networks, Omaha, alleging violation of Energy Options Tariff. Commissioner Landis presiding as Hearing Officer: A Hearing Officer's order was entered April 1, 2008, scheduling Oral Arguments for April 7, 2008, at 3:00 p.m. in the Commission Hearing Room, Lincoln and canceling the planning conference previously scheduled for April 1, 2008.

Laura Demman reported a total number of 45 consumer complaints and inquiries received during March. For each company: Aquila - 11; SourceGas - 29; NorthWestern - 1; and Other Entities - 4.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

Commissioner Jerry Vap left and returned to the Commission Hearing Room prior to the start of the agenda for the Transportation Department.

TRANSPORTATION DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders in Dockets B-1577 and B-1618 granting the applications in part and denying in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1577        In the Matter of Laidback Limousine, Inc., Omaha, seeking  
Supp. 1       to extend their authority in the transportation of passen-  
and 2        gers and their baggage by limousine.

B-1618       In the Matter of Royal Limousine, Inc., Omaha, seeking to  
Supp. 3       extend their authority in the transportation of passengers  
and 4        and their baggage by limousine.

B-1711       In the Matter of Trease Enterprises, Inc., d/b/a Special  
              Moments Limousine, Clearwater, seeking authority as a  
common carrier in Nebraska intrastate commerce in the transportation  
of passengers and their baggage by bus in charter and special party  
service in the state of Nebraska over irregular routes. RESTRICTION:  
The transportation of railroad train crews and their baggage is not  
authorized: Upon agreement of all Commissioners, a hearing was sche-  
duled for a date later to be determined. Commissioner Johnson was  
appointed Hearing Officer.

FC-1329      In the Matter of Dwaine and Deborah Trease, d/b/a Special  
              Moments Limousine, Inc., Clearwater, vs. Zalt, Inc., d/b/a  
Special Moments Limousine, Grand Island. Commissioner Johnson presid-  
ing as Hearing Officer: Upon agreement of all Commissioners, a hear-  
ing was scheduled for a date later to be determined.

MCC-3162     In the Matter of Mark Breiner, Director, Motor Transporta-  
              tion Department vs. SDG Transportation, Inc., Omaha.  
Commissioner Landis presiding as Hearing Officer: A Hearing Officer's  
order was entered April 1, 2008, continuing the hearing previously  
scheduled for March 26, 2008, to May 6, 2008, at 1:30 p.m. in the  
Commission Hearing Room, Lincoln.

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 Goods Tariff 7F: The  
fuel surcharge was decreased to \$1.12 per mile.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-1095 In the Matter of Barry Bruckner, d/b/a Bruckner Grain Co., Norfolk, seeking to cancel his Grain Dealer License: Upon agreement of all Commissioners, the request was approved effective March 25, 2008.

GENERAL ADMINISTRATION

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

Anne Boyle	\$	666.60
Tim Schram		583.78

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to hire Jamie McAllister as a Law Clerk with employment date to be determined. 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 Frank Landis, to enter into closed session to discuss pending litigation and personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:37 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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 10:55 a.m.

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The meeting adjourned at 10:56 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on April 8, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 7, 2008.

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Chair

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Executive Director