

April 15, 2008
7294

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 April 8, 2008 on Page 11 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 15, 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:

Wednesday, April 16, 2008:

NUSF-50 Commission Hearing Room, Lincoln.
10:00 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. Commissioner Vap presiding as Hearing Officer.

Monday, April 21, 2008:

10:00 Commission Hearing Room, Lincoln.
Enhanced 911 Advisory Board meeting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-30.04 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant v. Qwest Wireless LLC, Omaha, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint without prejudice. 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter a Protective Order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

NG-0006.1 In the Matter of NorthWestern Corporation, Sioux Falls, South Dakota, seeking authority to amend Rate No. 99 Tariff pursuant to *Neb. Rev. Stat.* section 66-1808: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the intervention. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks
GDS-009 (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-009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1714 In the Matter of Caring People Sudan, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by van in open class service for Employment First clients between points in Douglas and Sarpy counties, and between points in said counties where public transportation is not available due to bus line restrictions over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes: Upon agreement of all Commissioners, a video hearing was scheduled for June 11, 2008, at 9:00 a.m. in the Commission Hearing Room, Lincoln, and Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Boyle was appointed Hearing Officer.

MCC-3163 In the Matter of Mark Breiner, Director, Motor Transportation Department, vs. Eppley Transportation Services, Qualified Developments, Inc., Stella Counseling Services, PC, Touch of Class Limousine, Graebel/Omaha Movers, Inc., Mid-America Transfer, Inc., Miracle Movers, Inc., Nebraskaland Moving & Storage, Smitty's Van & Storage Co., and Transfer 88: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an Order Dismissing in Part and Sustaining in Part the show cause complaint that was entered on March 4, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

LR-285 In the Matter of Zalt, Inc., d/b/a Central Limousine Services, Grand Island, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application as amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 increased to \$1.16 per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-1599 In the Matter of Alvo Grain and Feed, Inc., Alvo and
GD-1599 Ashland: John Fecht updated the Commission on the status of the proceedings.

Grain Dealer Division

GD-2931 In the Matter of 21C Foods, LLP, Inland, seeking a Grain Dealer License, conditioned upon the fulfillment of all statutory requirements, for the license period ending March 31, 2009: Motion made by Commissioner Frank Landis, 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.

GD-2932 In the Matter of 21C Oats, LLC, South Sioux City, seeking a Grain Dealer License, conditioned upon the fulfillment of all statutory requirements, for the license period ending March 31, 2009: Motion made by Commissioner Frank Landis, 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.

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.

UNL-Wireless High Cost Universal Service Model	\$	12,234.00
UNL-Wireless High Cost Universal Service Model		14,520.00
UNL-Web Design Project		13,200.00
Thomson West		815.00
Rod Johnson		653.79

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to authorize Fred Massing to travel to and conduct a modular housing unit factory inspection at Wardcraft Homes in Clay Center, Kansas on April 15, 2008, with all expenses, including time, to be reimbursed by Wardcraft Homes. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter into closed session to discuss issues in Vonage Holdings Corp. v. NPSC et al. Case No. 4:07-CV3277; the Appeal of the Preliminary Injunction Order to the Eighth Circuit Court of Appeals; and other matters relevant to this pending litigation issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission went into closed session at 10:25 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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 10:35 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation regarding Vonage Holdings Corp. v. NPSC et al. Case No. 4:07-CV3277; the Appeal of the Preliminary Injunction Order to the Eighth Circuit Court of Appeals; and other matters relevant to this pending litigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:38 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 22, 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 21, 2008.

Chair

Executive Director