

Vice Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle excused at the beginning of the meeting. Vice Chairman Landis 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 May 13, 2008 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 20, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, May 20, 2008:

C-3927 Commission Hearing Room, Lincoln.  
11:00 In the Matter of Geneva Broadband, LLC (GBB), Geneva, seeking arbitration of the negotiation of an Interconnection Agreement with Windstream Nebraska, Inc., Lincoln. Commissioner Rod Johnson presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders granting applications AD-439r through AD-441r. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

AD-439r In the Matter of The Best Service Co. Inc., Los Angeles, California, seeking authority to register the connection of an automatic dialing-announcing device.

AD-440r In the Matter of The McGrain, Berryman & Mines, LLC, Omaha, seeking authority to register the connection of an automatic dialing-announcing device in Denver, Colorado.

AD-441r In the Matter of The McGrain, Berryman & Mines, LLC, Omaha, seeking authority to register the connection of an automatic dialing-announcing device in Las Vegas, Nevada.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3925/  
DC-75 In the Matter of the Commission, on its own motion, regarding the 2007 Annual Report Filings: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order to show cause. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-3921 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of the CLEC Consolidation Amendment to the Interconnection Agreement with LH Telecom, Inc., Des Moines, Iowa, previously approved in Docket C-3220: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order approving the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-3927 In the Matter of Geneva Broadband, LLC (GBB), Geneva, seeking an arbitration of the negotiation of an Interconnection Agreement with Windstream Nebraska, Inc., Lincoln. Commissioner Rod Johnson presiding as Hearing Officer: John Burvainis informed the Commission that a Hearing Officer order was entered May 15, 2008, scheduling a hearing for May 20, 2008, at 11:00 a.m. in the Commission Hearing Room, Lincoln, on the Motion to Dismiss, Request to Expedite Ruling and Request for Stay of Proceeding.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-011/  
PI-79 In the Matter of the Commission, on its own motion, seeking to establish Phase II enhanced wireless 911 service implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving Zetron as an additional vendor of choice. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson to enter an order approving funding for non-recurring costs. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-023.07 In the Matter of Cedar County, Hartington, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.51 In the Matter of the Dixon County, Public Safety Answering Point, Ponca, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Jeff Pursley discussed the department's internal policy regarding the Wireless E-911 application process. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the department's internal policy as to Wireless E911 funding and repository applications. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-25 In the Matter of the Commission, on its own motion, seeking  
NUSF-66 to establish guidelines for the purpose of certifying the  
use of federal universal service support: Motion made by  
Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter  
an order regarding electronic data submission of the yearly use of  
high-cost funding. Motion passed with Commissioners Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner  
Anne Boyle excused not voting.

NUSF-32.07 In the Matter of the Commission, on its own motion, seeking  
to conduct an inquiry into the failure of various companies  
to comply with Commission rules or orders and to impose administrative  
fines: Motion made by Commissioner Tim Schram, seconded by Commis-  
sioner Jerry Vap, to approve Opex Communications' request for a 30-day  
extension to file the Nebraska USF remittance audit. Motion passed  
with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap  
voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commis-  
sioner Rod Johnson, to enter an order dismissing the complaint. Motion  
passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

NUSF-37.52 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
Telecommunications Infrastructure and Public Safety Depart-  
ment, Complainant, v. Charter Fiberlink-Nebraska, Inc.,  
Respondent:

NUSF/  
37.153 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
Telecommunications Infrastructure and Public Safety Depart-  
ment, Complainant, v. Helio, LLC, Respondent(s):

NATURAL GAS DEPARTMENT

NG-0053 In the Matter of the Nebraska Resources Company, LLC,  
Tulsa, Oklahoma, seeking a Certificate of Public Conveni-  
ence and Necessity authorizing it to operate as a jurisdictional  
utility in Nebraska and approval of tariff. Commissioner Landis pre-  
siding as Hearing Officer: Laura Demman discussed an order entered  
May 20, 2008 by the Hearing Officer on Motions to Compel filed by  
Northern Natural Gas and Cornerstone Energy.

NATURAL GAS DEPARTMENT (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter Assessment Orders in FC-1327, NG-0041, NG-0046/PI-128 and NG-0053. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1327      In the Matter of the Formal Complaint of the Nebraska Public  
HS-0011      Advocate seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, LLC improperly implemented, billed and received payment for interim and final rates in NG-0036 for which customers are entitled to a credit or refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC. Commissioner Vap presiding as Hearing Officer.

NG-0041      In the Matter of Aquila, Inc., d/b/a Aquila Networks  
HS-0024      (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.

NG-0046/      In the Matter of the Commission, on its own motion, seeking  
PI-128      to investigate certain customer service issues and plans  
HS-003      relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado. Commissioner Vap presiding as Hearing Officer.

NG-0053      In the Matter of the Amended Application of Nebraska  
HS-002      Resources Company, LLC, Tulsa, Oklahoma, seeking a Certificate of Public Convenience and Necessity authorizing it to operate as a jurisdictional utility in Nebraska and approval of tariff. Commissioner Landis presiding as Hearing Officer:

RULES AND REGULATION

Rule and      In the Matter of the Commission, on its own motion, seeking  
Regulation      to amend Title 291, Chapter 5, Telecommunications Rules and  
#159      Regulations, to add rules for the administration of the  
                Telecommunications Relay Systems Act. Commissioner Rod  
Johnson presiding as Hearing Officer: Motion made by Commissioner Rod  
Johnson, seconded by Commissioner Tim Schram, to enter an order  
releasing a second set of rules and scheduling a hearing for July 15,  
2008, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion  
passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT

M-14203 In the Matter of Patt's Moving Service, LLC, Omaha, seeking to transfer the authority granted to Davis Patterson, dba Patt's Moving Center, in Certificate M-14194: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the transfer of authority. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rate Division

BR-335 In the Matter of Passenger Transportation Services, dba A & B Shuttle, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

LR-288 In the Matter of James E. and Rhonda Joneson, dba Leisure Limousine and Sedan Service, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 \$1.36 per mile.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule "A" and "E" Rates and Charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an Order Setting Rates. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 this docket.

Grain Dealer Division

GD-2896 In the Matter of Behmer Trucking, Inc., Winside, seeking cancellation of its Grain Dealer License: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to cancel the grain dealer license. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

HHS Finance & Support	\$	1,025.73
Ted Burkey		690.00
Gerald Vap		949.44

Motion made by Commissioner Jerry Vap, seconded by Commissioner Schram, to approve the Executive Director's recommendation to approve Commission minutes for the month of April, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to authorize Commissioner Anne Boyle to travel to and attend the Telehealth Leadership Conference to be held in Washington, DC from June 9-11, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The Commission went into recess at 10:23 a.m. and reconvened at 10:38 a.m. Commissioner Anne Boyle entered the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter into closed session to discuss 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 10:40 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, 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 10:50 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to accept, with reluctance, the resignation of the Nebraska Telecommunications Infrastructure and Public Safety Department Director, Jeff Pursley, effective July 1, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:54 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 May 28, 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 May 27, 2008.

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Chair

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Executive Director