

Vice Chair Frank Landis called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle excused. Vice Chair 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 November 17, 2008 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 24, 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:

Monday, December 1, 2008:

PI-141 Commission Hearing Room, Lincoln; Grand Island Public  
10:00 Library, 211 North Washington Street, Grand Island; Educa-  
tional Service Unit #16, Distance Learning Room, 1221 West  
17<sup>th</sup> Street, North Platte; and Panhandle Research and Exten-  
sion Center, High Plains Room, 4502 Avenue I Scottsbluff.  
In the Matter of the Commission, on its own motion, seeking  
to investigate and establish moisture meter testing fees.  
Commissioner Tim Schram presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Gene Hand recognized Tanya Wendel for her service to the Commission's Relay Programs and the deaf and hard of hearing community. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to adopt a resolution honoring Tanya Wendel's service to deaf and hard of hearing Nebraskans. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

CC 01-92 In the Matter of Developing a Unified Intercarrier Compem-  
sation Regime: Motion made by Commissioner Tim Schram,  
seconded by Commissioner Jerry Vap, approving the Department to file  
comments in this matter, due on November 26, 2008. Motion passed with  
Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap  
voting AYE, and Commissioner Anne Boyle excused not voting.

C-3979 In the Matter of Cambridge Telephone Company, Cambridge,  
seeking authority to issue long-term indebtedness: Motion  
made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram,  
to enter an order granting the application. Motion passed with Com-  
missioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting  
AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

In the Matter of the Telecommunication Relay Service (TRS) Request for Proposal (RFP). Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the revisions made by the State Purchasing Division to the TRS Request for Proposal and approve the proposal for release. 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 enter orders approving applications C-3973, C-3975, and C-3977: Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-3973 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order Amendment to the Interconnection Agreement with McLeodUSA Telecommunications Services, Inc., Hiawatha, Iowa, previously approved in Docket C-2023.

C-3975 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order Amendment to the Interconnection Agreement with Verizon Wireless, fka US WEST New Vector Group, Inc., Walnut Creek, California, previously approved in Docket C-1608.

C-3977 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Voice over Internet Protocol (VoIP) Amendment to the Interconnection Agreement with Sprint Communications L.P., Overland Park, Kansas, previously approved in Docket C-3089.

Gene Hand provided a report on the National Association of Regulatory Utility Commissioners (NARUC) Annual Conference held in New Orleans, Louisiana from November 15-19, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.33 In the Matter of Gage County, Public Safety Answering Point, Beatrice, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving Phase I LEC costs. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders dismissing the following complaints in Dockets 911-030.09, 911-030.11, 911-030.13, 911-030.16, 911-030.17, 911-030.18, 911-030.19, 911-030.22 and 911-030.24. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-030.09 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Action Communications, Inc., Respondent.

911-030.11 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Cause Based Commerce, dba The Sienna Group, Respondent.

911-30.13 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Granite Telecommunications, LLC Respondent.

911-030.16 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Movida Communications, Respondent.

911-030.17 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Omaha Cellular Telephone Company, Respondent.

911-030.18 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. PNG Telecommunications, Inc., Respondent.

911-30.19 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Sioux City MSA LP, Respondent.

911-030.22 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. TracFone Wireless, Respondent.

911-30.24 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Working Assets Funding Services, Inc., Respondent.

Sue Vanicek discussed the proposed rules for the application and distribution of federal grant funds under the Enhanced 911 Act. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the filing of comments. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the Wireless E-911 Quarterly Reporting: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to dismiss Affinity Mobile, LLC, Nextel Boost West, and TeleBeep, Inc., from further action. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-33/ PI-68 In the Matter of the Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve audit waiver requests from STI Prepaid and Access Point. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-37.172 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Embarq Communications, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, 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.

CC 01-92 In the Matter of Developing a Unified Intercarrier Compensation Regime: This matter was discussed in the Communications Department agenda.

Sue Vanicek discussed the Wireless E-911 Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to dismiss Action Communications, Granite Telecommunications, Telebeep Inc. and Total Tele-Page of Nebraska from further action. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

NG-0046/ PI-128 In the Matter of the Commission, on its own motion, seeking to investigate certain customer service issues and plans relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter a Protective Order. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter orders closing Dockets P-0012.20, P-0012.21 and P-0013.18. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

P-0012.20 In the Matter of Black Hills Corporation, 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.

P-0012.21 In the Matter of Black Hills Corporation, 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.

P-0013.18 In the Matter of Metropolitan Utilities District of Omaha, Omaha, providing notice required by *Neb. Rev. Stat. Section 66-1863*, that it intends to extend or enlarge its service area or extend a gas main.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter Assessment Orders in Dockets 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  
HS-0022 Public Advocate seeking a determination that Kinder Morgan,  
HS-0023 Inc. and/or its successor in interest, SourceGas Distribu-  
tion, LLC improperly implemented, billed and received pay-  
ment 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. Commis-  
sioner Vap presiding as Hearing Officer.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks  
HS-0035 (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-008 relating to SourceGas Distribution LLC, f/k/a Kinder Morgan,  
Inc., Lakewood, Colorado. Commissioner Vap presiding as  
Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

NG-0053      In the Matter of Nebraska Resources Company, LLC, Tulsa,  
GDS-002      Oklahoma, seeking a Certificate of Public Convenience and  
HS-0015      Necessity authorizing it to operate as a jurisdictional  
                 utility in Nebraska and approval of tariff. Commissioner  
                 Landis presiding as Hearing Officer.

Laura Demman requested Commission ratification of comments submitted to the Nebraska Energy Office regarding the Governor's Energy Plan. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to ratify comments submitted online November 20, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Laura Demman reported on sessions pertaining to natural gas at the National Association of Regulatory Utility Commissioners Annual Conference held in New Orleans, Louisiana from November 15-19, 2008.

TRANSPORTATION DEPARTMENT

B-1727      In the Matter of Confidential Transportation, Inc., Omaha,  
                 seeking authority as a common carrier in Nebraska intra-  
state commerce in the transportation of individuals by van over irregular routes having a primary diagnosis of mental illness, between mental health clinics located within that part of Omaha, bounded by Dodge Street on the south, 72nd Street on the west, the Omaha city limits on the north, and the Missouri River on the East, on the one hand, and, on the other hand, points located within the part of Omaha, so described. HHS Designation: Yes. The transportation of railroad train crews and their baggage is not authorized. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to schedule a video hearing for January 15, 2009, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Boyle was appointed as Hearing Officer. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 and  
Tariff 22: The Tariff 7F fuel surcharge was decreased to \$.60 per  
mile and the Tariff 22 fuel surcharge was decreased to \$2.40 per truck  
per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich updated the Commission on the status of moving two (2) Commodore Homes modular housing units from a Missouri retail lot to a Nebraska retail lot that were not inspected to Nebraska approved plans during construction.

GRAIN WAREHOUSE DEPARTMENT

GD-2919 In the Matter of Herman Gerdes, Stromsburg. John Fecht discussed the progress of the Grain Dealer application.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Deputy 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.

Central Finance - Network Services	\$	3,213.39
Central Finance - Printing		897.65
Larry Fauss		990.00
Anne Boyle		850.24
Rod Johnson		810.81
Gerald Vap		1,652.55

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Deputy Director's recommendation to purchase a 2009 Ford Escape. 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 approve the Deputy Director's recommendation to approve Commission minutes for the month of October, 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 enter into closed session to discuss pending litigation. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission entered into closed session at 11:05 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission returned to open session at 11:10 a.m.

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The meeting adjourned at 11:10 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present, and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on December 2, 2008, at 10:00 a.m. with an agenda to be available in the office of the Deputy Director at 10:00 a.m. on December 1, 2008.

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Vice Chair

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Deputy Director