

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 December 30, 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 January 6, 2009 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, January 6, 2009:

911-033.02 Commission Hearing Room, Lincoln. In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Cricket Communications, Respondent(s): Commissioner Tim Schram presiding as Hearing Officer.

#### Wednesday, January 7, 2009:

GW-615 Commission Hearing Room, Lincoln, video-link at Panhandle Research Center, High Plains Room, 4502 Avenue I, Scottsbluff. In the Matter of Oshkosh Grain Inc., Oshkosh seeking termination of a storage contract with Crossroads Cooperative Association, Sidney. Commissioner Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in December 2008. She reported that there were a total of 93 complaints: 56 - wireline and 37 - wireless. The complaints were categorized as follows: 45 billing, 29 service and 19 miscellaneous issues.

AD-477r In the Matter of Aid Associates, Inc., New York, New York, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3554/ NUSF-50/ PI-112 In the Matter of the Commission, on its own motion, seeking to investigate whether the zones established in Docket C-2516 are appropriate in light of NUSF-26 findings and conclusions: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order continuing the Hearing on Implementation previously scheduled for January 21, 2009 to a date later to be determined. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3947 In the Matter of Maskina Communications, Inc., Irving, Texas, seeking authority to operate as an interexchange carrier of telecommunications services within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order withdrawing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3971 In the Matter of Total Holdings, Inc. d/b/a GTC Communications, Los Angeles, California, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska: 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.

C-3989 In the Matter of VCI Company, d/b/a Vilaire Communications, Inc., Lakewood, Washington, seeking authority to cancel their Certificate of Public Convenience and Necessity and eligible telecommunications carrier designation and tariff: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3991 In the Matter of Net Talk.Com, Inc., North Miami Beach, Florida, seeking authority to provide facilities-based and resold local exchange and exchange access services 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.

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Commissioner Tim Schram presiding as Hearing Officer. Gene Hand informed the Commission that \$121.75 was transferred out of the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund on December 17, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.75 In the Matter of Keya Paha County, Public Safety Answering Point, Springview, 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 amending the funding request. 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 enter an order scheduling a hearing for February 10, 2009 at 1:30 p.m. in the Commission Hearing Room, Lincoln for Dockets 911-030.12 and 911-030.23. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-030.12 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Consumer Cellular, Inc., Portland Oregon, Respondent(s).

911-030.23 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Virgin Mobile USA, LLC, Washington, DC, Respondent(s).

911-036/  
PI-136 In the Matter of the Commission, on its own motion, seeking to investigate and establish procedures for the designation of public safety answering points for the receipt and dispatch of wireless 911 service calls from counties without enhanced 911 service: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order seeking comment due no later than March 6, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-018/  
PI-117 In the Matter of the Commission, on its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: OnStar Corporation. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to grant OnStar Corporation's request for an extension until January 30, 2009, to complete the E-911 Worksheet audit due December 31, 2008. 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: Bell South Long Distance. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the revenue adjustment request from BellSouth Long Distance due to a billing mistake from December, 2006 through December, 2007, that resulted in an overpayment of \$4,141.71. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant OnStar Corporation's request for an extension to January 30, 2009, Ionex Communications North, Inc. request for an extension to January 30, 2009, and Norlight Telecommunication's request for an extension to March 31, 2009, to complete the NUSF Worksheet audit due December 31, 2008. 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: OnStar Corporation.

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: Ionex Communications North, Inc.

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: Norlight Telecommunications.

NUSF-1 PO #5 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Dark Fiber Solutions. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant Dark Fiber Solutions' request for an extension until March 31, 2009, to complete the NUSF payment audit due December 31, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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: Opex Communications. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order to Show Cause why Opex should not be fined for late submission of it's audit after the extension due date. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter orders dismissing complaints in Dockets NUSF-37.173, NUSF-37.175 and NUSF-37.177. Motion passed with Commissioners Anne Boyle, Rod Johnson and Frank Landis voting AYE.

NUSF-37.173 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Wiltel Communications, LC, Respondent(s).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications  
175 Infrastructure and Public Safety Department, Complainant,  
v. Network Communications International Corporation,  
Respondent(s).

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications  
177 Infrastructure and Public Safety Department, Complainant,  
v. KDDI America, Inc., Respondent(s).

NUSF-50, In the Matter of the Commission, on its own motion, seeking  
PO #3/ to make adjustments to the universal service fund mechanism  
C-3554/ established in NUSF-26: An Order was entered on the Com-  
PI-112 munications Department agenda continuing the hearing pre-  
viously scheduled on January 21, 2009 to a date later to  
be determined.

NUSF-50 In the Matter of the Commission, on its own motion, seeking  
to make adjustments to the universal service fund mechanism  
established in NUSF-26: Sue Vanicek informed the Commission that a  
waiver request was received from Citizens Telecommunications Company  
of Nebraska, d/b/a Frontier Communications of Nebraska and discussed  
the Hearing Officer's Procedural Order of December 22, 2008.

NUSF-57 In the Matter of the Commission, on its own motion, seeking  
PO #2 to administer the Nebraska Telehealth Program: Sue Vanicek  
discussed the Hearing Officer's Order extending the comment  
deadline from January 5, 2009 to January 20, 2009.

NUSF-61.2 In the Matter of the Commission, on its own motion, seeking  
to review traffic studies to determine the appropriate per-  
centage of assessable revenues subject to the Nebraska Universal Ser-  
vice Fund: U.S. Cellular. Motion made by Commissioner Frank Landis,  
seconded by Commissioner Tim Schram, to enter an order approving U.S.  
Cellular's traffic study. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the resignation of Rodney Thiemann,  
Great Plains Communications, and the impact to the Nebraska Universal  
Service Fund (NUSF) Advisory Board. Motion made by Commissioner Frank  
Landis, seconded by Commissioner Tim Schram, to publish a notification  
requesting applications for a Telecom Carrier representative on the  
NUSF Advisory Board. Motion passed with Commissioners Anne Boyle, Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0055/  
PI-143 In the Matter of the Commission, on its own motion, to investigate revenue decoupling and energy efficiency programs for natural gas public utilities. Commissioner Landis presiding as Hearing Officer: Laura Demman discussed the order entered December 31, 2008, by the Hearing Officer setting a workshop for February 6, 2008, at 9:30 a.m. in the Commission Hearing Room, The Atrium, 1200 N Street, Lincoln.

Laura Demman reported a total number of 47 consumer complaints and inquiries received at the Commission during December. For each company: Black Hills - 11; SourceGas - 31; NorthWestern - 2; and Other Entities - 3.

Laura Demman reported a total number for the current fiscal year of 217 consumer complaints and inquiries received at the Commission. For each company: Black Hills - 60; SourceGas - 131; NorthWestern - 8; and Other Entities - 18.

LEGISLATIVE REPORT

Mike Hybl discussed 2009 legislation.

TRANSPORTATION DEPARTMENT

B-1715 In the Matter of A Superior Limousine, Inc., Tekamah, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points within a 100 mile radius of Tekamah, by luxury or stretch limousine over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: HHS Designation: No. 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.

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 \$.46 per mile and the Tariff 22 fuel surcharge was decreased to \$1.12 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick, seeking a \$25,000.00 deductible on its stock insurance coverage: 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.

GW-1136 In the Matter of Central Valley Ag Cooperative, Nonstock, St. Edward, seeking a 25,000.00 deductible on its stock insurance coverage: Motion made by Commissioner Rod Johnson, 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.

University of Nebraska-Bureau of Business Research	\$	26,548.50
Larry Fauss		960.00
Anne Boyle		772.20
Rod Johnson		619.85
Tim Schram		397.80

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	1,090.00
Associated Hearing Health Care		565.70
Audiology Hearing & HAC		139.95
B Hear Inc.		3,195.40
Beltone		1,523.35
Dynavox Systems		1,000.00
Glassman's Hearing Aid Service		451.83
Grand Island Hearing Aid		1,033.45
Hamilton Telecommunications		229.90
Hearing Aid Center of Columbus		199.95
Carl A. Johnson Jr.		393.85
K-D Communications		2,948.55
Professional Hearing Aid Services		1,335.60
Sherard Hearing Aid Center		2,361.00
Talk to Me Technologies		1,000.00
Teltex, Inc.		1,195.40
U-Save Pharmacy & Medical Supply		659.80
Weitbrecht Communications		680.40
Western ENT Associates		656.73
White's Hearing Aid Specialists		89.50

GENERAL ADMINISTRATION (Cont.)

The following payments were made between December 17, 2008 and January 5, 2009 and should be ratified.

Central Finance-Office Supplies	\$	549.23
Central Finance-Network Charges		3,508.28

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Kent Pribyl or Bob Bowman to perform a Modular Housing unit factory inspection at Wardcraft Homes, Inc. in Clay Center, Kansas, on January 12, 2009 with all expenses, including time, to be reimbursed to the Commission 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 Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve Commission minutes for December, 2008. 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 approve the Executive Director's recommendation to ratify the renewal of the agreement with Parish, Blessing and Associates for the provision of consulting and systems management services. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:48 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 January 13, 2009, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 12, 2009.

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Chair

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Executive Director