

Chairman Frank Landis 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. 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 January 13, 2009 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 21, 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:

Thursday, January 22, and Friday, January 23, 2009:

B-1733 Commission Hearing Room, Lincoln, and Nebraska State Office
9:30 Building, 1313 Farnam Street, Room 207, Omaha. In the
Matter of Papio Transport Service, Papillion, seeking auth-
ority as a common carrier in pen class service in the
transportation of passengers and their baggage over irregu-
lar routes between points in Douglas and Sarpy counties and
between points in said counties by vans and SUVs over irregu-
lar routes. HHS Designation: Yes. RESTRICTION: The
transportation of railroad train crews and their baggage is
not authorized. Commissioner Tim Schram presiding as
Hearing Officer.

Monday, January 26, 2009:

E-911 Commission Hearing Room, Lincoln, video-link at Avera
10:00 St. Anthony Hospital, 2nd and Adams Street, Lower Level
Conference Room, O'Neill. E-911 Advisory Board meeting.

COMMUNICATIONS DEPARTMENT

C-3997 In the Matter of Embarq Corporation, Overland Park, Kansas,
and CenturyTel, Inc., Monroe, Louisiana, seeking approval
of transfer of control of United Telephone Company of the West d/b/a
Embarq and Embarq Communications, Inc: Commissioner Jerry Vap pre-
siding as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3993 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a Collocation Bay Procurement Amendment to the Interconnection Agreement with XO Communications Services, Inc., Salt Lake City, Utah, previously approved in Docket C-3939: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand reviewed proposed changes to the docketing system relative to Certificates of Public Convenience and Necessity.

Gene Hand distributed copies of the proposal for broadband deployment as part of an economic stimulus package which Qwest provided to President Obama's Transition Team.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order dismissing the following complaints. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF- In the Matter of Jeffrey L. Pursley, Director, Telecommunications
37.108 Infrastructure and Public Safety Department, Complainant, v. Touch 1 Communications, Inc., Respondent.

NUSF- In the Matter of Sue Vanicek, Director, Telecommunications
37.160 Infrastructure and Public Safety Department, Complainant,
37.174 v. PAETEC Communications, Inc., Respondent(s).

NUSF- In the Matter of Sue Vanicek, Director, Telecommunications
37.179 Infrastructure and Public Safety Department, Complainant, v. McLeodUSA Telecommunications Services, Inc., Respondent(s).

Sue Vanicek discussed the NUSF Late-Filed Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant a one-time waiver request to Betterworld; that complaints be opened against KDDI America, Inc., Ztar Mobile, Inc., Broadview Networks, Inc., Cause Based Commerce, Inc. and Deltel, Inc.; that the current complaint NUSF-37.178 against Globalstar USA, LLC and NUSF-37.176 against I-Wireless, LLC be amended to include the current late-filed worksheets; and that late-fees be levied against Ernest Communications, Inc., Houlton Enterprises, Telephone Systems of NE, Inc., Total Telepage of Nebraska, Inc. and Unite Private Networks, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

P-0013.19 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 Anne Boyle, to enter an order closing the docket. 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 Anne Boyle, to enter Assessment Orders in Dockets FC-1327, NG-0041, and NG-0046/PI-128. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1327 In the Matter of the Formal Complaint of the Nebraska
HS-0025 Public 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-0037 (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-0010 relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado. Commissioner Vap presiding as Hearing Officer.

RULES AND REGULATIONS

In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 15, Enhanced 911 Rules and Regulations, previously written under Title 291, Chapter 5, Telecommunications, and to adopt rules in accordance with Nebraska Legislative Bill 516 [2005]; adopt current policy standards; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order to close the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Angela Melton discussed 2009 legislative issues.

TRANSPORTATION DEPARTMENT

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 retained at \$.46 per mile and the Tariff 22 fuel surcharge was decreased to \$1.04 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-244 In the Matter of Ely's, Incorporated, Guide Rock: Soybeans
GW-2136 In the Matter of Pierce Elevator, Inc. Pierce: Corn and Soybeans.

GW-599 In the Matter of Agri Co-op, Holdrege, seeking cancellation of its Grain Warehouse License: John Fecht discussed cancellation of the license effective January 1, 2009.

Grain Dealer Division

GW-599 In the Matter of Agri Co-op, Holdrege, seeking cancellation of its Grain Dealer License: John Fecht discussed cancellation of the license effective January 1, 2009.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, 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.

Central Finance	\$ 544.25
Central Finance-Office Supply	809.69
Gerald Vap	1,142.36

Mike Hybl discussed the Governor's recommendation for the agency budget request for 2009-10 and 2010-11.

GENERAL ADMINISTRATION (Cont.)

The meeting adjourned at 10:50 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 27, 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 26, 2009.

Chairman

Executive Director