

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present, and Commissioners Anne Boyle and Rod Johnson excused. 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 20, 2009 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 27, 2009 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, January 27, 2009:

1:30 Nebraska Internet Enhancement Fund (NIEF) Advisory Board Meeting. Commission Hearing Room, Lincoln, and video-link at Western NE Community College, Room 122, 371 College Drive, Sidney, and Columbus Public Library, Columbus Room, 2nd Floor, 2504 14th Street, Columbus.

COMMUNICATIONS DEPARTMENT

E-2209 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

Gene Hand informed the Commission that the report addressing Competitive Issues in Special Access Markets commissioned by the National Association of Regulatory Utility Commissioners (NARUC) and prepared by the National Regulatory Research Institute (NRRI) has been released and is available from the NARUC website.

Gene Hand reviewed the NARUC recommendation regarding distributing federal funding for state broadband infrastructure grants. Upon agreement of all Commissioners present, Chairman Landis will send a letter to Nebraska's Congressional delegation supporting the views detailed in January 5, 2009, and January 26, 2009, letters from NARUC to congressional leaders.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-33.02 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Cricket Communications, Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing the Complaint. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

Sue Vanicek discussed the Wireless E-911 Quarterly Reports. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to open complaints against Atrium Wireless Partners, LLC; Consumer Cellular, Inc.; Convergia, Inc.; I-Wireless, LLC; Cozak Wireless dba Movida Communications, Inc.; PNG Telecommunications, Inc. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

NUSF- In the Matter of Jeffry L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Trinsic Communications, Inc., Respondent: 37.144 Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing the Complaint. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

Sue Vanicek discussed the late-filed NUSF Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to open complaints against Embarq Communications, STI Prepaid, LLC fka Dialaround and Cause Based Commerce, Inc., dba The Sienna Group. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

LEGISLATIVE REPORT

Angela Melton discussed 2009 legislative issues.

TRANSPORTATION DEPARTMENT

B-1733 In the Matter of Papio Transport Services, Inc., Papillion, seeking authority as a common carrier in open class service in the transportation of passengers and their baggage over irregular routes between points in Douglas and Sarpy counties and between points in said counties over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Schram presiding as Hearing Officer: Upon agreement of all Commissioners present, a continuation of the hearing held on January 22 and 23, 2009, was scheduled for February 11, 12 and 13, 2009, at 9:00 a.m. each day in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT (Cont.)

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 \$.44 per mile and the Tariff 22 fuel surcharge was decreased to \$.84 per truck per trip.

GENERAL ADMINISTRATION

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

Central Finance-Copy Services	\$ 3,571.71
Central Finance-Network Charges	3,518.68
City of Lincoln-Parking Services	845.00
City of Lincoln-Parking Services	910.00
Larry Fauss	780.00
Parrish, Blessing & Associates, Inc.	4,000.00
Anne Boyle	660.00

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Associated Ear Nose & Throat	767.12
B Hear Inc.	978.06
Glassman's Hearing Aid Service	126.94
Grand Island Hearing Aid	1,288.04
Hearing Aid Center of Columbus	199.99
Hearing Clinic, Inc.	1,150.00
Carl A. Johnson Junior	1,596.60
Larry Kent & Associates	391.80
Janet Killam	982.85
Midwest Hearing Consultants	596.00
Teltex, Inc.	1,274.91
Thomas J Tambling	894.70
U-Save Pharmacy & Medical	613.25
Weitbrecht Communications	406.50
White's Hearing Aid Specialists	121.25

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter into closed session to discuss pending litigation. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting. The Commission entered into closed session at 10:16 a.m.

GENERAL ADMINISTRATION (Cont.)

Commissioner Rod Johnson entered the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, 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 10:27 a.m.

The meeting adjourned at 10:28 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 February 3, 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 February 2, 2009.

Chairman

Executive Director