

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 February 25, 2009 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 3, 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, March 3, 2009:

C-3978 Commission Hearing Room, Lincoln. In the Matter of Tammy
1:30 Hubl, Guide Rock, seeking authority to receive telephone
service from the Glenwood exchange of Glenwood Telephone
Membership Corporation. Commissioner Rod Johnson pre-
siding as Hearing Officer.

Wednesday, March 4, 2009:

B-1731 Commission Hearing Room, Lincoln, Nebraska State Office
9:30 Building, Room 207, 1313 Farnam Street, Omaha and McMillen
Hall, Room 208, 1205 E. 3rd Street, McCook. In the Matter
of LBH, dba Archway Transportation, Omaha, seeking author-
ity as a contract carrier of clients of the Nebraska
Department of Health and Human Services by vans and wheel-
chair vans in open class service between points in the
state of Nebraska. Commissioner Anne Boyle presiding as
Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in February 2009. She reported there were a total of 71 complaints: 42 - wireline and 29 - wireless. The complaints were categorized as follows: 40 billing, 17 service and 14 miscellaneous issues.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders granting applications in Dockets C-4001 and C-4002. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4001 In the Matter of Huntel Cablevision, Inc., Blair, seeking a
name change to Huntel Cablevision, Inc. d/b/a American
Broadband Nebraska Communications, Inc.:

COMMUNICATIONS DEPARTMENT (Cont.)

C-4002 In the Matter of Huntel, Inc., Blair, seeking name change to Huntel, Inc. d/b/a American Broadband Nebraska Communications, Inc:

C-4004 In the Matter of United Telephone Company of the West d/b/a/ Embarq, Overland Park, Kansas, seeking approval of a Resale Agreement with DSLnet Communications, LLC, Wallingford, Connecticut: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4136 In the Matter of Inter-Tel NetSolutions, Inc., Phoenix, Arizona, seeking approval to change its name to Mitel NetSolutions, Inc: Motion made by Commissioner Anne Boyle, 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.

E-2208 In the Matter of Elkhorn Rural Public Power District, Battle Creek, seeking authority to construct, operate and maintain electric transmission lines in Madison County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-030.27 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Convergia, Inc., Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-32.08 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 Anne Boyle, seconded by Commissioner Tim Schram, to enter a Show Cause order for those companies that have failed to file their yearly audit and scheduling a hearing for May 19, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Rod Johnson appointed Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-75 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Lightyear Network Solutions, LLC, Respondent(s): Shana Knutson discussed the remittance worksheets received from Lightyear. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to open a complaint against Lightyear Network Solutions, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Shana Knutson discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle to open a complaint against Houlton Enterprises, Inc., dba Guaranteed Phones, and that the one-time waiver request from Aero Communications be granted. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 54 consumer complaints and inquiries received during February. For each company: Black Hills-16; SourceGas-32; NorthWestern-1; and Other Entities-5.

LEGISLATIVE REPORT

Angela Melton updated the Commission on the status of the watch items.

TRANSPORTATION DEPARTMENT

B-1372 In the Matter of Sandhills Limos, Inc., Ord, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1372 until February 18, 2010: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the suspension of Sandhills Limos, Inc., Ord, in Certificate B-1372 until February 18, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-10558 In the Matter of Canning Truck Service, Inc., Fairbury, seeking a suspension of the Permit issued in Application M-10558 until February 28, 2010: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the suspension of Canning Truck Service, Inc., Fairbury, in Permit M-10558 until February 28, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

M-14187 In the Matter of Miracle Movers, Inc., Lincoln, seeking a suspension of the Permit issued in Application M-14187 until February 23, 2010: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the suspension of Miracle Movers, Inc., Lincoln, in Permit M-14187 until February 23, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MCC-3167 In the Matter of Mark J. Breiner, Director, Motor Transportation Division, Complainant, vs. Fugitive Transport Services, Inc., Bryan's Team Moving, M & A Trucking, Inc. and Transfer 88, Defendants: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter a Show Cause Order and schedule a hearing for April 7, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Schram appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

MR-1009/ In the Matter of the prescription of reasonable rates and
PI-170 charges for motor carriers passengers and property for hire subject to the provision of Neb. Rev. Stat (Reissue 2006), Chapter 75, Articles 1 and 3: Upon agreement of all Commissioners, a hearing was scheduled for April 7, 2009, at 1:45 p.m. in the Commission Hearing Room, Lincoln. Commissioner Schram was appointed Hearing Officer.

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 \$.36 cents per mile and the Tariff 22 fuel surcharge was decreased to zero.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division.

GD-306 In the Matter of Geneva Milling Co., Inc., Geneva, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements for the license period ending June 30, 2009: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, 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 Anne Boyle, seconded by Commissioner Jerry Vap, 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.

Liberty Consulting Group	\$	1,435.25
Laura Demman		571.90
Kent Pribyl		875.52
Anne Boyle		844.53
Tim Schram		561.00

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Commissioner Frank Landis to travel to and attend the Current Issues 2009 Conference to be held in Santa Fe, NM from March 14 - 19, 2009. 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 approve the Executive Director's recommendation to authorize Commissioners Anne Boyle, Frank Landis and Tim Schram to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference to be held in Seattle, Washington, from July 17-22, 2009. 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 approve the Executive Director's recommendation to authorize Gene Hand, Laura Demman and Sue Vanicek to travel to and attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference to be held in Seattle, Washington, from July 16-22, 2009. 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 Rod Johnson, to approve the Executive Director's recommendation to authorize Kent Pribyl to travel to Clay Center, KS, on March 10, 2009, to perform a modular housing factory inspection, 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 Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Gene Hand to travel to Council Bluffs, IA, on March 11, 2009, to give a presentation at the 2009 Telecommunications Vendor Day and Workshop. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for January 2009. 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 Rod Johnson, 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 10:25 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, 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 10:36 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Executive Directors recommendation to approve a furlough plan for the Housing and Recreational Vehicle Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:37 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 March 10, 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 March 9, 2009.

Chair man

Executive Director