

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 March 10, 2009 on Page 10 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 17, 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, March 17, 2009:

C-4141 Commission Hearing Room, Lincoln.
11:00 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System (TRS) to be effective July 1, 2009, in the State of Nebraska. Commissioner Schram presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

FC-1332 In the Matter of the Formal Complaint of Orbitcom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate switched access tariff: Commissioner Tim Schram was appointed as Hearing Officer.

C-4152 In the Matter of the Commission, on its own motion, seeking to adopt a relief plan for the 402 area code: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order opening the docket and scheduling a workshop for April 20, 2009 at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting. Commissioner Frank Landis was appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4153/
PI-148 In the Matter of the Commission, on its own motion, seeking to investigate Windstream Nebraska, Inc.'s tariff provision regarding non-proration of charges billed one month in advance when a customer initiates account action: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order opening an investigation. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting. Commissioner Frank Landis was appointed as Hearing Officer.

E-2187 In the Matter of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order canceling the application per the company's request. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving applications 911-023.18 and 911-023.33. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

911-023.18 In the Matter of Cheyenne County, Sidney, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

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.

911-33.05 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. I-Wireless, 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.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

PS Docket #09-14 In the Matter of information collection mandated by the New and Emerging Technologies Improvement Act of 2008: Sue Vanicek discussed the Federal Communications Commission (FCC) docket currently seeking comment. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, approving the filing of comments with the FCC, due March 23, 2008. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

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. Commissioner Rod Johnson presiding as Hearing Officer: Sue Vanicek discussed the Order entered January 6, 2009, scheduling a hearing for March 31, 2009 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the Universal Service Fund Mechanism established in Docket NUSF-26. Commissioner Rod Johnson presiding as Hearing Officer: Sue Vanicek discussed the waiver request received from Citizens Telecommunications Company of Nebraska, d/b/a Frontier Communications of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order denying the waiver application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson 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 Jerry Vap, seconded by Commissioner Tim Schram, to enter an order requiring Commission examination. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NG-0057 In the Matter of gas supply cost adjustment schedules implemented by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to Neb. Rev. Stat. sec. 66-1854. Commissioner Jerry Vap was appointed as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order opening the docket and initiating a review. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

P-0013.20 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 Jerry Vap, seconded by Commissioner Tim Schram, to enter an order closing the docket. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks,
HS-0040 (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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter Assessment Order HS-0040. 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 pending legislation.

TRANSPORTATION DEPARTMENT

B-1671 In the Matter of Ronald L. Nelson, dba Ron's Wedding Bus, Shickley, seeking revocation and cancellation of the common carrier certificate issued in B-1671: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order revoking the certificate in B-1671. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

M-14115 In the Matter of Vaughn Moving Company, Inc., Omaha, seeking to acquire, through transfer, the authority granted to Ace Moving and Storage Co., Inc., Omaha, in Certificate M-14178: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting temporary authority. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

M-14207 In the Matter of The Billings Group, dba Quick City Delivery, Omaha, seeking to acquire, through transfer, the authority granted to Inter City Courier Systems, Inc., dba Quick City Delivery, Omaha, in Certificate M-13498. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting temporary authority. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

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 34 cents per mile and Tariff 22 fuel surcharge was retained at zero per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, 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.

DAS-Central Finance-Office Supplies	\$ 819.96
AS ImServices-Feb 2009 Information Management Services	511.68
Gerald Vap	1,034.00

EQUIPMENT DISTRIBUTION PROGRAM:

Alltel Wireless	18,501.52
Alternative Hearing	735.00
Associated Ear Nose & Throat	212.43
B Hear Inc.	4,156.38
Grand Island Hearing Aid Center	558.50
Harris Communications	676.84
Hearing Aid Center of Columbus	149.95
Carl A. Johnson Jr.	593.95
Larry Kent & Associates	2,590.90
Janet Killam	2,948.55
Midwest Haring Consultants	1,666.15
Teltex, Inc.	843.04
U-Save Pharmacy & Medical Supply	758.70
Weitbrecht Communications	1,879.25
Western ENT Associates PC	189.95
White's Hearing Aid Specialists	322.95

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

GENERAL ADMINISTRATION (Cont.)

The meeting adjourned at 10:20 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present, and Commissioner Anne Boyle and Rod Johnson excused. The next regularly scheduled meeting will be held on March 24, 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 23, 2009.

Chairman

Executive Director