

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner 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 18, 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 24, 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:

Wednesday, March 25, 2009

B-1650 Commission Hearing Room, Lincoln, and video hearing at the  
9:30 Nebraska State Office Building, 1313 Farnam, Room 207,  
Omaha. In the Matter of Eastern Horizon Transportation,  
Inc., Omaha, seeking authority as a common carrier in  
Nebraska intrastate commerce in the transportation of  
passengers and their baggage between points in Douglas,  
Sarpy, Cass, and Washington counties, on the one hand, and  
points between said counties on the other hand. RESTRIC-  
TION: The transportation of railroad train crews and their  
baggage is not authorized. Commissioner Boyle presiding as  
Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

AD-480r In the Matter of Strategic Consulting Group, Chicago,  
Illinois, seeking authority to register the connection of  
an automatic dialing-announcing device: Motion made by Commissioner  
Tim Schram, seconded by Commissioner Anne Boyle, to enter an order  
granting the application. Motion passed with Commissioners Anne  
Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Com-  
missioner Rod Johnson excused not voting.

C-4144 In the Matter of Charter Fiberlink-Nebraska, LLC, St.  
Louis, Missouri, seeking approval for financing transac-  
tions related thereto: Motion made by Commissioner Jerry Vap,  
seconded by Commissioner Tim Schram, to enter an order granting the  
application. Motion passed with Commissioners Anne Boyle, Frank  
Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod  
Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

GN Docket 09-29 In the Matter of the Report On Rural Broadband Strategy: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, seeking approval on comments to file with the Federal Communications Commission. Commissioner Rod Johnson entered the Commission Hearing Room. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present not voting.

C-4152 In the Matter of the Commission, on its own motion, seeking to adopt a relief plan for the 402 area code: Commissioner Anne Boyle was re-designated as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-33.07 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. STI Prepaid, LLC fka Dialaround Enterprises, Respondent(s): Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, 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-37. 166 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Helio, LLC, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, 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-57 P.O. #2 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Telehealth Program: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order adopting comment findings. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GN 09-29 In the Matter of the Report on Rural Broadband Strategy: This matter was discussed under the Communications Department agenda.

NATURAL GAS DEPARTMENT

NG-0009 In the Matter of Cornerstone Energy, LLC, Louisville, Kentucky, seeking to withdraw authority originally granted to Cornerstone Energy, Inc.: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the petition. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter Assessment Orders in Docket's FC-1327, NG-0036 and NG-0041. 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-0027      Public Advocate seeking a determination that Kinder Morgan,  
Inc. and/or its successor in interest, SourceGas Distribu-  
tion, LLC improperly implemented, billed and received  
payment for interim and final rates in Docket 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-0036      In the Matter of Kinder Morgan, Inc., Lakewood, Colorado,  
HS-0014      seeking approval of a general rate increase. Commissioner  
Vap presiding as Hearing Officer.

NG-0041      In the Matter of Aquila, Inc., d/b/a Aquila Networks  
HS-0039      (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.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1441,      In the Matter of R & F Hobbies, Inc., dba Prince of the  
Supp. 4      Road, Ravenna, seeking to extend its authority as follows:  
Specialized intrastate youth transportation for youths 17  
and under and their baggage to include all parties involved in youth  
family support and protection over irregular routes in Nebraska. HHS  
Designation: Yes. RESTRICTION: The transportation of railroad train  
crews and their baggage is not authorized: Commissioner Landis was  
appointed as Hearing Officer.

B-1703      In the Matter of Sampson Npimnee dba Migrant Shuttle, Lin-  
coln, seeking authority as a common carrier in Nebraska  
intrastate commerce in the transportation of passengers and their bag-  
gage in open class service by SUV between points in Lancaster County,  
on the one hand, and, on the other hand, points in Nebraska over irre-  
gular routes. HHS Designation: Yes. RESTRICTION: The transportation  
of railroad train crews and their baggage is not authorized: Motion  
made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram,  
to enter an order dismissing the application. Motion passed with Com-  
missioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry  
Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1736 In the Matter of Alvin D. Kramer, Beemer, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service between points in Cuming County, on the one hand, and, on the other hand, points in Nebraska over irregular routes by vans. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14201 In the Matter of Ault's Moving & Storage, Tyler, Texas, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods within the state of Nebraska over irregular routes. Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order for dismissal. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14202 In the Matter of Jesse R. Stoops dba Midwest Professionals, Omaha, seeking authority as a common carrier of household goods within the Omaha metropolitan area over irregular routes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter a Notice of Pending Dismissal. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

TR-171 In the Matter of Yellow Cab and Capital Cab dba Servant Cab Company, Lincoln, seeking authority to adjust its rates and charges: Upon agreement of all Commissioners, a hearing was scheduled for March 31, 2009, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis was appointed as 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 decreased to \$.40 per mile and Tariff 22 fuel surcharge increased to \$.44 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-731 In the Matter of Farmers Cooperative Grain Company, Merna: John Fecht discussed the shortage of wheat.

GW-985 In the Matter of All Points Cooperative, Gothenburg: John Fecht discussed the shortage of oats.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-615 In the Matter of Oshkosh Grain, Inc., Oshkosh, requesting termination of a storage contract: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an Order granting the application in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Grain Dealer Division

GD-2903 In the Matter of Hawkeye Commodities Company, Grimes, Iowa, seeking a Waiver of the Commission's Rules and Regulations regarding net worth requirements for grain dealers and to retain their Grain Dealer License in the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an Order to continue a grain dealer license with a waiver of the Commission's net worth requirements. 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 Tim Schram, 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.

Rod Johnson \$ 956.40

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve Commission minutes for February 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 Tim Schram, to approve the Executive Director's recommendation to approve a contract with GDS Associates for natural gas consulting. 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 Anne Boyle, to approve the Executive Director's recommendation to authorize Gene Hand to travel to and attend the Regional Oversight Committee meeting to be held on April 23-24, 2009 in Denver, Colorado. 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 Tim Schram, to approve the Executive Director's recommendation to approve a business safe deposit box resolution. 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 10:40 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 31, 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 30, 2009.

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Chairman

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Executive Director