

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

Commissioners Rod Johnson and Tim Schram entered the Commission Hearing Room.

#### GENERAL ADMINISTRATION

Notice was duly published April 7, 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 April 14, 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, April 14, 2009

NUSF-50      Commission Hearing Room, Lincoln. In the Matter of the  
1:30      Commission, on its own motion, seeking to make adjustments  
to the universal service fund mechanism established in  
NUSF-26. Waiver request received from Dalton Telephone  
Company and Elsie Communications: Commissioner Jerry Vap  
presiding as Hearing Officer.

#### Monday, April 20, 2009

C-4152      Atrium 2<sup>nd</sup> Floor Conference Room, Lincoln. In the Matter of  
1:00      the Commission, on its own motion, seeking to adopt a relief  
plan for the 402 area code. The phone number for local  
callers is (402)471-6000 and (888)866-4213 for all others.  
Commissioner Anne Boyle 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  
presiding as Hearing Officer: Motion made by Commissioner Tim Schram,  
seconded by Commissioner Jerry Vap, to enter an order granting Orbitcom,  
Inc.'s motion to dismiss the counterclaim filed by AT&T Communications  
of the Midwest, Inc. Motion passed with Commissioners Anne Boyle, Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4146 In the Matter of McLeodUSA Telecommunications Services, Inc., Hiawatha, Iowa, seeking authority to add PAETEC Business Services to its name as a d/b/a: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 presiding as Hearing Officer: Gene Hand informed the Commission that the non-local conference call bridge number for the Workshop on April 20, 2009, at 1:00 p.m. in the Atrium 2nd Floor Conference Room has been changed to (888)866-4213. Local callers should still use (402)471-6000.

Gene Hand updated the Commission on the status of the proposed Qwest Corporation Business Rate Increase.

Gene Hand discussed a recent trend in telemarketing calls offering to extend automobile warranties. Upon agreement of all Commissioners, a consumer alert press release will be issued.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson to approve funding for for recurring and non-recurring costs of Enhanced Wireless 911 implementation in Dockets 911-023.15 and 911-023.50. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE.

911-023.15 Colfax County, Public Safety Answering Point, Schuyler  
911-23.50 City of the Holdrege

Sue Vanicek advised the Commission of the 2009 goals set by the Enhanced Wireless 911 Advisory Board.

Sue Vanicek discussed sending an information request on behalf of the Enhanced Wireless 911 Advisory Board to ILECs for statewide 911 call volumes for the previous year, and on a quarterly basis going forward, for the purposes of reviewing and revising the wireless/wireline allocation factor established in the Interim Policy. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve sending an information request on behalf of the Enhanced Wireless 911 Advisory Board to ILECs regarding statewide 911 call volumes. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek informed the Commission that the next Enhanced Wireless E-911 Advisory Board Meeting is scheduled for July 13, 2009 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

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: Ionex Communications North, Inc. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter a Show Cause Order 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.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order dismissing complaints NUSF-37.176 and NUSF-37.181. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. I-Wireless, Inc., Respondent.

NUSF-37. In the Matter of Sue Vanicek, Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Ztar Mobile, Inc., Respondent.

Sue Vanicek informed the Commission that the next NUSF Advisory Board Meeting is scheduled for April 23, 2009 at 2:00 p.m. in the Commission Hearing Room, Lincoln, with a video-link to McMillen Hall, Room #208, 1205 East 3rd Street, McCook.

NATURAL GAS DEPARTMENT

NG-0013 In the Matter of the Commission, on its own motion, seeking to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter Progression Order No. 23. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE.

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 Vap presiding as Hearing Officer: Motion made by Commissioner Johnson, seconded by Commissioner Vap, to enter a Protective Order. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

NG-0058/ In the Matter of the Petition of Black Hills/Nebraska Gas  
DR-0003 Utility Company, LLC d/b/a Black Hills Energy (Black Hills  
Energy), Omaha, seeking Declaratory Ruling on Decoupling  
Application Procedural Filing Requirements. Commissioner Landis pre-  
siding as Hearing Officer: Motion made by Commissioner Jerry Vap,  
seconded by Commissioner Rod Johnson, to enter an order closing the  
docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.

NG-0059/ In the Matter of the Commission, on its own motion, seeking  
PI-149 to investigate and establish Procedural Filing Requirements  
for Decoupling Applications. Commissioner Landis presiding  
as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by  
Commissioner Rod Johnson, to enter an order opening the docket and  
scheduling a planning conference for May 27, 2009, at 1:30 p.m. CDT in  
the Commission Hearing Room, Lincoln. Motion passed with Commissioners  
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting  
AYE.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1514 In the Matter of All Nations Church of the Lord Jesus Christ  
dba All Nations Specialized Transport & Travel Service,  
Lincoln, seeking authority as a common carrier in Nebraska intrastate  
commerce in the transportation of passengers in special party and  
charter operations by bus and passenger van between points in Nebraska  
over irregular routes. RESTRICTION: The transportation of railroad train  
crews and their baggage is not authorized: Motion made by Commissioner  
Jerry Vap, seconded by Commissioner Anne Boyle, to enter an Order to  
Show Cause and schedule a hearing for May 12, 2009, at 2:00 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 Frank Landis was appointed  
as Hearing Officer.

B-1572 In the Matter of Mark Hamilton, dba Interstate Security  
Service, Kearney, requesting a name change to Mark Hamilton  
dba Interstate Extradition Services, Kearney: Motion made by Commis-  
sioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an  
order granting the name change. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1713 In the Matter of Ecclesiastes Marrion, dba Kids Shuttle Service, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of children between points in Douglas County in open class service by vans over irregular 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 for pending dismissal. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1724 In the Matter of Midwest Transport, LLC, Lincoln, seeking authority as a contract carrier in open class service in the transportation of passengers and their baggage by vans in the state of Nebraska over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Mark Breiner informed the Commission that a Hearing Officer's Order was entered April 14, 2009, scheduling a hearing for May 21, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis was appointed as Hearing Officer.

B-1732 In the Matter of Midwest Transport, LLC, Lincoln, seeking authority as a contract carrier in open class service in the transportation of clients of Zone Care USA by van between points in Lancaster County. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Mark Breiner informed the Commission that a Hearing Officer's Order was entered April 14, 2009, scheduling a hearing for May 21, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis was appointed Hearing Officer.

MCC-3167 In the Matter of Mark J. Breiner, Director, Motor Transportation Department, 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 Anne Boyle, to enter an Order to Show Cause Sustained In Part and Dismissed In Part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-349 In the Matter of Mark Hamilton, dba Interstate Security Service, Kearney, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

LR-297 In the Matter of Leisure Limousine & Sedan Service, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-1746 In the Matter of George L. Verbeek dba Verbeek Trucking, Roca, seeking cancellation of his Grain Dealer License: Upon agreement of all Commissioners, the license was cancelled effective April 8, 2009.

GD-2767 In the Matter of Russell D. Green dba R D G Trucking, Imperial, seeking cancellation of his Grain Dealer License: Upon agreement of all Commissioners, the license was cancelled effective April 3, 2009.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, 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.

Voyager	\$ 1,044.90
West	855.75
Harold Peterson	308.00
Jerry Vap	1,034.00

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve Mike Bartels to travel to and attend the American Association of Warehouse Control Officials (AAWCO) Annual Conference to be held in Bozeman, Montana from July 18-23, 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 approve Shana Knutson and Angela Melton to travel to and attend the Thirty-Second Annual National Conference of Regulatory Attorneys (NCRA) to be held in Las Vegas, Nevada, from May 31 to June 3, 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 Rod Johnson, to authorize Commissioner Anne Boyle to travel to and attend the Mid-America Regulatory Conference (MARC) Annual Conference to be held in Traverse City, Michigan, from June 14-16, 2009 with a \$1,000 stipend to be provided by MARC. 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 11:36 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 April 21, 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 April 20, 2009.

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Chairman

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Executive Director