

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 April 21, 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 28, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

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: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to schedule a hearing on May 27, 2009, at 2:30 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.

C-4162/
DR-0004 In the Matter of the Petition of Declaratory Ruling of Arapahoe Telephone Company, Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company and Rock County Telephone Company, all d/b/a American Broadband, Hamilton Telephone Company, Glenwood Telephone Membership Corporation, Hemingford Cooperative Telephone Company, Nebraska Central Telephone Company and Northeast Nebraska Telephone Company (the "Rural Companies") seeking a determination that Qwest Corporation is not authorized to assess intrastate transit charges on extended area service traffic originated by customers of the Rural Companies: Commissioner Rod Johnson entered the Commission Hearing Room. 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, Commissioner Rod Johnson present not voting, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4165/ PI-150 In the Matter of the Commission, on its own motion, seeking to investigate and determine whether it is appropriate for telecommunications companies to assess intrastate transit charges on Extended Area Service Traffic: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order opening the docket and appointing Commissioner Jerry Vap as Hearing Officer. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, Commissioner Rod Johnson present not voting, and Commissioner Anne Boyle excused not voting.

Gene Hand informed the Commission that a request was received from The Blair Telephone Company on April 22, 2009, asking the Commission to overturn a denial by the Pooling Administrator for telephone numbers in the Blair rate center to meet the consecutive numbering needs of a customer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve sending a letter to the Pooling Administrator. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter orders approving the funding requests for recurring and non-recurring costs of Enhanced Wireless 911 implementation in Docket 911-023.16 in part and Dockets 911-023.54 in full. Two separate orders were issued for Docket 911-023.54. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-023.16 In the Matter of Dakota County/South Sioux City Public Safety Answering Point, South Sioux City.

911-023.54 In the Matter of the City of Wayne, Public Safety Answering Point, Wayne.

NUSF-4 P.O. 14 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act beginning July 1, 1999. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order scheduling the annual surcharge hearing for May 20, 2009 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

WC 05-337 In the Matter of High-Cost Universal Service Support: Sue Vanicek discussed the Federal Communications Commission (FCC) docket filing of comments with the FCC by the May 8, 2009 due date. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram to approve filing of comments with the FCC by the May 8, 2009 due date. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

NG-0046/ In the Matter of the Commission, on its own motion, seeking PI-128 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 Rod Johnson to enter an Amended Protective Order. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1722 In the Matter of Heart of America Family Services Center, Omaha, 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 Adams, Dawson, Lincoln, Keith, Hamilton, York, Red Willow, Dodge, Platte, Wayne, Gage, Cheyenne, Box butte, Dawes, and Scotts Bluff counties and between points in said counties, on the one hand, and, on the other and, points in Nebraska over irregular routes. HHS Designation: Yes. 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 dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle 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, in Certificate M-14207: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application and revoking Certificate M-13498. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle 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 retained at \$.44 per mile and Tariff 22 fuel surcharge at \$.88 per truck per trip.

Mark Breiner presented a letter to be signed by all Commissioners recognizing Ed Schneider for his many years of service to the community, moving industry and Commission. Mr. Schneider will be inducted into the Pioneer Mover Hall of Fame on May 4, 2009 following 41 years of service with I-Go Van and Storage.

GRAIN WAREHOUSE DEPARTMENT

GW-2171 In the Matter of B4 Grain, Inc., Kearney: John Fecht discussed the shortage of soybeans.

Grain Dealer Division

GD-2930 In the Matter of George Pfeifer Trucking, Spencer, seeking a Grain Dealer License, subject to the fulfillment of statutory requirements, for the license period ending March 31, 2010: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION

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

AS Materiel-Copy Services	\$	2,723.76
AS Materiel-Office Supplies		798.25
AS Central Finance-Network Services		3,570.30
Larry Fauss		990.00
Parrish, Blessing & Associates, Inc.		7,175.00
Anne Boyle		974.05

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to authorize Commissioner Rod Johnson to travel to and attend the "Crisis or Renaissance? The State of Energy" Conference to be held in Sioux Falls, South Dakota from May 11-13, 2009. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission entered into closed session at 10:25 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, 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 10:28 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to hire Chris Lenz as a Grain Warehouse Examiner. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 10:30 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Boyle excused. The next regularly scheduled meeting will be held on May 5, 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 May 4, 2009.

Chairman

Executive Director