

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 April 30, 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 May 5, 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, May 5, 2009

911-036/ Commission Hearing Room, Lincoln. In the Matter of the
PI-136 Commission, on its own motion, seeking to investigate and
1:30 establish procedures for the designation of public safety
answering points for the receipt and dispatch of wireless 911
service calls from counties without enhanced 911 service.
Commissioner Tim Schram presiding as Hearing Officer.

Wednesday, May 6, 2009

911-23.31 Video Hearing. Commission Hearing Room, Lincoln, and
10:00 Panhandle Research and Extension Center, High Plains Room,
4502 Avenue I, Scottsbluff. In the Matter of Scottsbluff
County, Public Safety Answering Point, Gering, seeking
funding approval for recurring and non-recurring costs of
Enhanced wireless 911 implementation: Commissioner Jerry
Vap presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in April 2009. She reported there were a total of 81 complaints: 46 - wireline and 35 - wireless. The complaints were categorized as follows: 47 billing, 21 service and 13 miscellaneous issues.

Commissioner Rod Johnson entered the Commission Hearing Room.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4166/ DC-76 In the Matter of the Commission, regarding the 2008 Annual Report Filings: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order opening a docket and appointing Commissioner Tim Schram as Hearing Officer. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present not voting.

C-4167 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the operation of Norstan Network Services, Inc., Tampa, Florida, as a provider of telecommunication services within the State of Nebraska without a Certificate of Public Convenience and Necessity as required under Nebraska law and Commission Rules and Regulations: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order to show cause and schedule a hearing for June 23, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Anne Boyle was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2138 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting an extension of time to construct the proposed transmission line. 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 of the Pro Hac Vice motion filed April 27, 2009, seeking admission for Melanie N. McIntyre, a non-resident attorney, to practice in Nebraska in this docket. He also informed the Commission of the Hearing Officer's Order entered May 5, 2009, granting the motion.

Gene Hand informed the Commission of the passing of Nebraska Internet Enhancement Fund (NIEF) Advisory Board member, Kris Rogge, on April 29, 2009.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders approving the funding requests for recurring and non-recurring costs of Enhanced Wireless 911 implementation in Docket 911-023.73 in part and Docket 911-023.81 in full. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.73 In the Matter of Dundy County, Public Safety Answering Point, Benkelman.

911-023.81 In the Matter of the Mid Rivers 911, Public Safety Answering Point, Campbell.

911-030.29 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Cozac Wireless, d/b/a Movida Communications, Inc., Kansas City, Missouri: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order sustaining the complaint and assessing penalties. 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 Rod Johnson, to enter orders dismissing the complaints in Dockets NUSF-37.150 and NUSF-37.163 and removing the carriers from the Show Cause Hearing scheduled for May 19, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE.

NUSF-37. In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Global Tel*Link Corporation, Respondent. Commissioner Tim Schram presiding as Hearing Officer.

NUSF-37. In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Matrix Telecom, Inc., Respondent. Commissioner Rod Johnson presiding as Hearing Officer:

Sue Vanicek discussed the Late-filed NUSF Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to open complaints against Norstan Network Services, Tele-national Communications, Inc. and Network US d/b/a CA Affinity and to levy a late-fee against Primus Telecommunications, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1334 In the Matter of Claire D. Runions, Minden, Nebraska vs. SourceGas LLC, Lakewood, Colorado, alleging inaccurate billing. Commissioner Jerry Vap presiding as Hearing Officer: Laura Demman discussed the formal complaint filed April 29, 2009. If a Statement of Satisfaction is not filed, the answer date for SourceGas LLC will be May 25, 2009. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order waiving the filing fee. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

Laura Demman reported a total number of 47 consumer complaints and inquiries received during April. For each company: Black Hills - 7; SourceGas - 36; NorthWestern - 2; and Other Entities - 2.

LEGISLATIVE REPORT

The Executive Director discussed the status of LB 181, and informed the Commission that floor consideration of the budget has commenced at the Legislature. He also informed the Commission that introduction of Legislative interim resolutions would soon begin.

TRANSPORTATION DEPARTMENT

B-1566 In the Matter of R & J Limo Services, Inc., Gothenburg, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers to provide limousine service between points in and west of Keya Paha, Rock, Loup, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin counties, and between points in said area on the one hand, and, on the other hand, 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 Tim Schram, to enter an Order To Show Cause and schedule a hearing for May 20, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Vap was appointed Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1728 In the Matter of Central Limousine, LLC, Grand Island, seeking to acquire, through transfer, the authority granted to Zalt, Inc., dba Central Limousine, in Certificate B-1700: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order granting the application and revoking Certificate B-1700. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1735 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 by limousine between points in Cuming, Burt, Thurston, Wayne, and Stanton counties, and in Dodge County in the towns of Howells, Snyder, Scribner and Dodge, on the one hand, and, on the other hand, points in Nebraska over irregular routes. 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 as amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-351 In the Matter of Papio Transport Service, Inc., Papillion, seeking authority to set its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the application in part and denying the application in part 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 retained at \$.42 per mile, and the Tariff 22 fuel surcharge was retained at \$.76 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick, seeking to issue duplicate warehouse receipts to replace lost receipts B688347 and B688348: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to grant 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 Rod Johnson, 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.

Kent Pribyl	\$787.54
Tim Schram	673.20

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Kent Pribyl to travel to Clay Center, Kansas, on May 11, 2009, to perform a modular housing unit factory inspection at Wardcraft Homes, Inc. with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes. 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 the hiring of a Grain Warehouse Examiner. 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 enter into closed session to discuss pending litigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:43 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 10:53 a.m.

08-1764 In the Matter of Vonage Holdings Corp. v. NPSC: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation regarding Vonage Holdings Corp. and authorizing the petition process with the Federal Communications Commission. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:55 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 May 12, 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 11, 2009.

Chairman

Executive Director