

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. 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 May 19, 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 May 27, 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:

#### Wednesday, May 27, 2009

NG-0059/  
PI-149  
1:30 Niobrara Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to investigate and establish procedural filing requirements for decoupling applications. Commissioner Frank Landis presiding as Hearing Officer.

C-4152  
2:30 Commission Hearing Room, Lincoln. 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.

#### Thursday, May 28, 2009

TR-171  
10:00 Commission Hearing Room, Lincoln and Nebraska State Office Building, 1313 Farnam, Room 207, Omaha. In the Matter of Safeway Cab, Omaha, seeking authority to adjust its rates and charges. Commissioner Anne Boyle presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-4151 In the Matter of Alliance Global Networks LLC, Westport, Connecticut, seeking authority to operate as an interexchange carrier of telecommunications services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order withdrawing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund (NIEF). Commissioner Tim Schram presiding as Hearing Officer: John Burvainis informed the Commission that \$1,578.49 was transferred out of the Competitive Marketplace Fund to NIEF on May 22, 2009.

C-4145/  
NUSF-74/  
PI-147 In the Matter of the Commission, on its own motion, seeking to conduct an investigation on intrastate switched access charge policies and regulations codified in Neb. Rev. Stat. Section 86-140. Commissioner Frank Landis presiding as Hearing Officer: John Burvainis informed the Commission that a Hearing Officer's order was entered May 21, 2009, extending the comment deadline from May 27, 2009 to June 10, 2009.

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: John Burvainis informed the Commission that a conference call has been set up for the hearing on May 27, 2009, at 2:30 pm in the Commission Hearing Room. The call in number is 1-888-222-0475. The access code is 6704217.

John Burvainis updated the Commission on the status of the Verizon sale of wireless assets to AT&T. AT&T will provide the Commission with press releases and customer notifications sent to Verizon customers, formerly Alltel customers, impacted by the acquisition.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders granting the funding request in part for recurring and non-recurring costs of Enhanced 911 implementation in Docket 911-023.21 and granting the request for reconsideration in Docket 911-023.31. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.21 In the Matter of Boyd/Holt Joint E-911 Board, O'Neill,  
911-023.31 In the Matter of Scottsbluff County, Public Safety Answering Point, Gering,

911-023.49 In the Matter of Sheridan County, Public Safety Answering Point, Rushville, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order denying the funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-24.28 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to the GIS Data Repository: Hayes County Emergency Management. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting access to the GIS Data Repository. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-30.30 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Affinity Mobile, LLC, Plano, Texas, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order dismissing complaint. 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 Tim Schram, to enter an order dismissing the complaints and Show Cause proceedings in Dockets NUSF-37.162 and NUSF-37.170. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37. 162 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Granite Telecommunications, Inc., Respondent.

NUSF-37. 170 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. GreatCall, Inc., Respondent

NUSF-74/  
C-4145/  
PI-174 In the Matter of the Commission, on its own motion, seeking to conduct an investigation on intrastate switched access charge policies and regulation codified in Neb. Rev. Stat. section 86-140: This matter was discussed on the Communication's Department agenda.

NATURAL GAS DEPARTMENT

FC-1333 In the Matter of the Formal Complaint of Tim Edens, North Platte, vs. NorthWestern Energy, Sioux Falls, South Dakota, alleging inaccurate billing. Commissioner Jerry Vap presiding as Hearing Officer: Laura Demman discussed the Hearing Officer's order entered on May 21, 2009, scheduling a Planning Conference for May 27, 2009, at 2:00 p.m. CDT in the Commission Hearing Room, Lincoln.

LEGISLATIVE REPORT

The Executive Director provided an update regarding the status of the state budget and informed the Commission that LB 658 was advanced from Committee and General File the previous week and would be given Select File consideration on May 27.

TRANSPORTATION DEPARTMENT

B-1514 In the Matter of All Nations Church of the Lord Jesus Christ, dba All Nations Specialized Transport and Travel Service, Lincoln: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order revoking the authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1566 In the Matter of R & J Limo Services, Inc., Gothenburg: Mark Breiner informed the Commission that a Hearing Officer's Order was entered to continue the hearing previously scheduled for May 20, 2009, to a date later to be determined.

B-1698 In the Matter of Groetken Company, dba Prince & Princess Limousine, Sioux City, Iowa, seeking to acquire, through transfer, the authority granted to O'Mickle, Inc., dba Prince & Princess Limousine Service, in Certificate B-1518: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application and revoking Certificate B-1518. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1718 In the Matter of Leisure Limousine Sedan, Inc., Lincoln, Supp. 2 seeking authority to transport passengers and their baggage in limousine service by luxury and stretch limousine and sedan and van between points in York, Dodge, and Gage counties, and between points in said counties, 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 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.

B-1730 In the Matter of American Medical Response, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by wheelchair vans over irregular routes between points in the state of Nebraska. 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 granting the motion for leave to file amended application and stipulation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

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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 increased to \$.46 per mile, and the Tariff 22 fuel surcharge was increased to \$1.08 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2170 In the Matter of Archer Grain Co., Archer: John Fecht provided an update on the status of the accounts.

Grain Dealer Division

GD-2914 In the Matter of D & M Popcorn, L.L.C., Ogallala, seeking cancellation of its Grain Dealer License: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to cancel the license effective May 12, 2009. 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 Anne Boyle, 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.

AS Central Finance-Network Services	\$	3,873.25
University of Nebraska-BBR		26,548.50
Larry Fauss		990.00
Rod Johnson		1,043.55

GENERAL ADMINISTRATION (Cont.)

Mike Hybl discussed the results of the Nebraska Attestation Review of the Commission by the Nebraska State Auditor's Office.

08-1764 In the Matter of Vontage Holdings Corp. v. NPSC: Shana Knudson discussed litigation.

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The meeting adjourned at 10:44 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 June 2, 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 June 1, 2009.

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Chairman

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Executive Director