

Chairman Frank Landis called the regularly scheduled meeting to order at 10:08 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram present, and Commissioner Gerald Vap 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 May 27, 2009 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 2, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in May 2009. She reported there were a total of 93 complaints: 58 wireline and 35 wireless. The complaints were categorized as follows: 32 billing, 13 service and 48 miscellaneous issues.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders granting applications E-2214 and E-2215. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

E-2214 In the Matter of Northwest Rural Public Power District, Hay Springs, seeking authority to construct, operate and maintain electric transmission lines in Dawes County.

E-2215 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Jefferson County.

Gene Hand reported that notice was provided on May 29, 2009, from the Nebraska Department of Administrative Services, Material/Purchasing Division, that a completed Telecommunications Relay Service contract (38845 04) for the period of July 1, 2009, through June 30, 2014, was executed with Sprint. The staff will be taking necessary steps to facilitate the transition.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-024.29 In the Matter of the Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Respository: Hitchcock County. Motion made by Commissioner Tim Schram, 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-23.80 In the Matter of Pierce County, Public Safety Answering Point, Pierce, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Sue Vanicek discussed the Hearing Officer's Order entered June 2, 2009, continuing the hearing previously scheduled for June 9, 2009 to July 8, 2009 at 10:00 in the Commission Hearing Room, Lincoln, and via video conference at Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk.

NUSF-4 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: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order setting the surcharge for the FY 2009-2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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 Planning Conference Order entered by the Hearing Officer on May 27, 2009, scheduling a hearing for June 22, 2009, at 1:00 p.m. CDT in the Commission Hearing Room, Lincoln, and via video conference at the Education Service Unit #16, Distance Learning Room, 1221 W. 17th Street, North Platte.

NG-0059/
PI-149 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: Laura Demman discussed the Planning Conference Order entered by the Hearing Officer on May 27, 2009, scheduling a hearing on July 14, 2009, at 1:00 p.m. CDT in the Commission Hearing Room, Lincoln.

Laura Demman reported a total number of 26 consumer complaints and inquiries received at the Commission during May. For each company: Black Hills - 9; SourceGas - 13; NorthWestern - 3 and Other Entities - 1.

LEGISLATIVE REPORT

The Executive Director advised the Commission that LB 658 was read on final reading, passed, and signed into law by the Governor on the final day of the legislative session.

TRANSPORTATION DEPARTMENT

B-1565 In the Matter of Mount Vernon Baptist Church, dba Mount Vernon Baptist Church Guardian Angel, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Douglas and Sarpy counties over irregular routes. 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 revoking the authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

B-1566 In the Matter of R & J Limo Services, Inc., Gothenburg, seeking authority as a common carrier of passengers in Nebraska intrastate commerce 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 areas on the one hand, and, on the other hand, points in Nebraska over irregular routes. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to continue the hearing previously scheduled for a date later to be determined to June 30, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

B-1607 In the Matter of Mount Vernon Baptist Church Guardian Angel, Inc., Omaha, seeking to acquire, through transfer, the authority granted to Mount Vernon Baptist Church, dba Mount Vernon Baptist Church Guardian Angel, in Certificate B-1565: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

B-1721 In the Matter of Glory Transportation, 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 Douglas and Sarpy counties by van 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1726 In the Matter of Grace Transportation Services, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service in the state of Nebraska over irregular routes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

M-14206 In the Matter of Little Nate's Moving, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods by truck and trailer within the state of Nebraska over irregular routes: Mark Breiner advised the Commission that a Hearing Officer's Order was entered to continue the hearing scheduled for June 3, 2009, to a date later to be determined.

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 \$.50 per mile, and the Tariff 22 fuel surcharge was increased to \$1.48 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

PI-139 In the Matter of the Commission, on its own motion, seeking to investigate the establishment of an insurance fund to provide additional protection for grain transactions: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order seeking comment and scheduling workshop for July 15, 2009 at 10:00 a.m. in the 2nd Floor Atrium Conference Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

GW-2170 In the Matter of Archer Grain Co., Archer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order relinquishing possession of the warehouse. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Anne Boyle	\$1,213.90
Kent Pribyl	577.96
Tim Schram	561.00

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	400.00
B Hear Inc.	1,856.02
Beltone	2,109.05
Glassman's Hearing Aid Service	109.95
Grand Island Hearing Aid	519.00
Hearing Aid Center of Columbus	199.99
Carl A. Johnson	368.07
K-D Communications	2,887.60
Professional Hearing Aid Services	1,049.60
Sherard Hearing Aid Center	3,151.80
Sherard Hearing Aid Center	1,445.25
Sprint Communications	99.99
Talk To Me Technologies	600.00
Teltex Inc	418.11
Weitbrecht Communications	3,110.65

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Don Gray's participation on a North American Numbering Council (NANC) Dispute Review Team. Don's participation has been requested by Tom Koutsky, Chairman of NANC, and he would be one of four team members (the Chairman, a State Commissioner, an Industry/Carrier representative and Don). They will be reviewing a dispute filed by Telcordia Technologies concerning a change order which would add new data fields to the National database used to support Local Number Portability. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

The meeting adjourned at 10:27 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram present, and Commissioner Gerald Vap excused. The next regularly scheduled meeting will be held on June 9, 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 8, 2009.

Chairman

Executive Director