

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 June 30, 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 July 7, 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, July 8, 2009

911-23.80 Commission Hearing Room, Lincoln. In the Matter of Pierce County, Public Safety Answering Point, Pierce, seeking 10:00 funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Commissioner Rod Johnson presiding as Hearing Officer.

#### Monday, July 13, 2009

10:00 Commission Hearing Room, Lincoln, and Kearney Public Library, 2020 1<sup>st</sup> Avenue. Enhanced Wireless E-911 Advisory Board Meeting

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in June 2009. She reported there were a total of 76 complaints: 54 - wireline and 22 - wireless. The complaints were categorized as follows: 36 billing, 22 service and 18 miscellaneous issues.

C-3943/ In the Matter of the Commission, on its own motion, seeking  
PI-137 to participate in a six month review of Qwest's Performance Assurance Plans. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order seeking comments on the QPAP Report. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3978 In the Matter of Tammy Hubl, Guide Rock, seeking authority to receive telephone service from Glenwood exchange of the Glenwood Telephone Membership Corporation. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving applicants request to dismiss the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3996/ In the Matter of the Commission, on its own motion, seeking  
PI-144 to investigate Qwest Corporation's Jurisdictional Report Requirements regarding terminating Feature Group D (FGD) Traffic. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order vacating the suspension, setting an effective date for catalog provisions and closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4187/ In the Matter of the Commission, on its own motion, seeking  
PI-153 comment on the request by United Way of the Midlands to be assigned the use of "211" in Saline County, for access to First Call for Help (FCFH), a comprehensive information and referral Service: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Rod Johnson was appointed as Hearing Officer.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders granting applications E-2220 and E-2221. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2220 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain electric transmission lines in Jefferson County.

E-2221 In the Matter of McCook Public Power District, McCook, seeking authority to construct, operate and maintain an electric transmission line in Lincoln County.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1336 In the Matter of the Formal Complaint of Nebraska Technology & Telecommunications, Inc., Omaha, alleging violation of the Interconnection Agreement and of anti-competitive behavior of Windstream Nebraska, Inc., Little Rock, Arkansas: Gene Hand informed the Commission that a Hearing Officer's order was entered July 7, 2009, setting a procedural schedule and scheduling a hearing for September 9, 2009 at 11:00 a.m. and if necessary, continue it to September 10, 2009 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis presiding as Hearing Officer.

Gene Hand informed the Commission of the recent joint Notice of Funds Availability (NOFA) and solicitation of applications released by the Rural Utilities Service and the National Telecommunications and Information Administration (NTIA) on July 1, 2009.

Gene Hand informed the Commission that the NTIA released a NOFA and solicitation of applications for the merit-based matching grant program to fund projects that collect comprehensive and accurate state-level broadband mapping data on July 1, 2009.

Gene Hand informed the Commission that the merger between Embarq and CenturyTel closed July 1, 2009, and the combined company will be known as CenturyLink.

Gene Hand informed the Commission that the U.S. Senate Committee on Commerce, Science and Transportation announced that a Nominations Hearing has been scheduled for July 15, 2009. The hearing will include Federal Communications Commission (FCC) nominees Mignon L. Clyburn and Meredith Attwell Baker.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/  
PI-118 In the Matter of the Commission, on its own motion, seeking to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order releasing the permanent funding mechanism and establishing a procedural schedule. Comments are due August 31, 2009 with a workshop scheduled for August 12, 2009 at 10:00 a.m. in the Commission Hearing Room, Lincoln, Grand Island Public Library, 211 No. Washington Street, Grand Island; Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk and Panhandle Research and Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff. Additionally, a hearing has been scheduled for September 30, 2009 at 10:00 a.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 Anne Boyle presiding as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-020.03 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. Metropolitan Telecommunications of Nebraska, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order to dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-040/ In the Matter of the Commission, on its own motion, seeking PI-152 to coordinate federal grants through the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act): Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.80 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 informed the Commission that the video link with Norfolk on July 8, 2009 has been cancelled.

Sue Vanicek informed the Commission that the video link with Kearney has been cancelled for the Enhanced Wireless E-911 Advisory Board Meeting scheduled for July 13, 2009.

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, 195 v. Legacy Long Distance International, Inc., Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order to dismiss the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter a Notice of Assessment Order and a Protective Order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Rod Johnson was appointed as Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter Assessment Order GDS-002 Dockets NG-0046/PI-128 and NG-0057. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Jerry Vap presiding as Hearing Officer.

NG-0046/  
PI-128 In the Matter of the Commission, on its own motion, seeking to investigate certain customer service issues and plans relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado.

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.

Laura Demman reported a total number of 35 consumer complaints and inquiries received at the Commission during June. For each company: Black Hills - 16; SourceGas - 16; and Other Entities 3.

Laura Demman reported a total number of 484 consumer complaints and inquiries received at the Commission during fiscal year 2008-2009. For each company: Black Hills - 140; SourceGas - 296; NorthWestern - 16; and Other Entities - 32.

TRANSPORTATION DEPARTMENT

B-1566 In the Matter of R & J Limo Services, Inc., Gothenburg:  
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-1674 In the Matter of Sampson Npimnee, dba On The Clock Taxi, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by SUV between points in Lancaster County, 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 Tim Schram, seconded by Commissioner Anne Boyle, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1721 In the Matter of Glory Transportation, Omaha, seeking authority as a common carrier in open class service in the transportation of passengers and their baggage in vans 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 dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

MR-1009/ In the Matter of the Commission, on its own motion, seek-  
PI-170 ing to initiate an investigation on a range of uniformity in the Official InterCity Household Goods Tariff 22 and Nebraska Official Household Goods Tariff 7F: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order addressing the tariff. 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 \$.58 per mile and the Tariff 22 fuel surcharge was decreased to \$2.32 per truck per trip.

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.

Liberty Consulting Group	\$ 1,963.05
Kent Pribyl	520.76
Anne Boyle	792.00
Tim Schram	635.80
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM	
Alternative Hearing	310.00
Associated Hearing Health Care	1,561.20
B Hear Inc	1,028.55
Beltone	793.65
Grand Island Hearing Aid	756.00
Carl A. Johnson Jr.	759.91
K-D Communications	982.85
Professional Hearing-Aid Services	1,429.50

GENERAL ADMINISTRATION (Cont.)

Sherard Hearing Aid Center	\$ 1,943.89
Teltex, Inc.	375.92
Western ENT Associates	134.95

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Scott Elston to travel to and attend the Federal Railroad Administration (FRA) Discipline Training Conference to be held in Indianapolis, Indiana, from August 17 through 21, 2009, with all expenses to be paid by the FRA. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Mark Luttich and Kent Pribyl to travel to Herndon, Virginia on July 20 through 23, 2009 to attend the United States Department of Housing and Urban Development's (HUD) Quality Professional Workshop with all expenses to be paid by HUD. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Mark Luttich to travel to Arlington, Virginia to attend the Manufactured Housing Consensus Committee meeting from July 27 through 30, 2009 with all expenses to be paid by HUD. 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 10:29 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 July 14, 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 July 13, 2009.

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Chairman

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Executive Director