

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis and Tim Schram present and Commissioners Anne Boyle and Jerry 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 July 21, 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 28, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, July 29, 2009

B-1740 Commission Hearing Room, Lincoln, and Nebraska State Office  
10:00 Building, 1313 Farnam Street, Room 207, Omaha. In the Matter of Diamond Link Services, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage, including clients of the Nebraska Department of Health and Human Services, in open class service between points in Douglas and Sarpy Counties, on the one hand, and, on the other hand, points in between said counties over irregular routes. Commissioner Anne Boyle presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter orders authorizing payments to Banner County and the Village of Bushnell. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

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

COMMUNICATIONS DEPARTMENT (Cont.)

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 telecommunications services within the State of Nebraska without a Certificate of Public Convenience and Necessity as required under Nebraska law and Commission Rules and Regulations. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order closing the docket. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

C-4179 In the Matter of Hartington Telecommunications Co., Inc., Hartington, seeking authority to add Hartelco as a trade name: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

C-4182 In the Matter of Mitel Netsolutions, Inc., Chandler, Arizona, seeking authority to provide resold local exchange telecommunications services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

C-4183 In the Matter of Comcast Business Communications, LLC, Moorestown, New Jersey, seeking to withdraw their interexchange authority in the State of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the application to withdraw their interexchange authority. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

C-4184 In the Matter of Pay Tel Communications, Inc., Greensboro, North Carolina, seeking authority to operate as a resale carrier of intrastate interexchange telecommunication services and inmate operator services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4192/  
PI-154 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Antelope, Boyd, Holt, Knox, Madison, Pierce, Stanton, Dawes, Box Butte, Cherry, Sioux, Sheridan, Keya Paha, Rock and Brown Counties, for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order opening the docket and seeking comment. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting. Commissioner Jerry Vap was appointed as Hearing Officer.

WC 07-244 In the Matter of Local Number Portability Porting Interval  
CC 95-116 Validation Requirements. Telephone Number Portability:  
Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve filing comments. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

WC 07-38 In the Matter of comments sought by the Federal Communica-  
GN 09-47, tions Commission on providing eligible entities access to  
09-51 aggregate form 477 data as required by the broadband data  
improvement act: Motion made by Commissioner Tim Schram,  
seconded by Commissioner Rod Johnson, to approve filing comments.  
Motion passed with Commissioners Rod Johnson, Frank Landis and Tim  
Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused  
not voting.

In the Matter of the State Broadband Data and Development  
Grant application: Motion made by Commissioner Tim Schram, seconded  
by Commissioner Rod Johnson, to direct staff to start drafting a State  
Broadband Data and Development Grant application and also begin draft-  
ing a Request for Proposal (RFP) to select a vendor to assist in  
gathering and mapping broadband data. Motion passed with Commissioners  
Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners  
Anne Boyle and Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Com-  
missioner Tim Schram, to enter orders approving applications C-4176,  
C-4180 and C-4181. Motion passed with Commissioners Rod Johnson,  
Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle  
and Jerry Vap excused not voting.

C-4176 In the Matter of Qwest Corporation, Denver, Colorado, seek-  
ing four-party transit traffic amendment to the intercon-  
nection agreement with Neutral Tandem, Inc., Chicago,  
Illinois, previously approved in Docket C-3785.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-4180 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a 8XX Jointly Provided Switched Access (JPSA) Amendment to the Interconnection Agreement with Level 3 Communications LLC, Broomfield, Colorado, previously approved in Docket C-2780.
- C-4181 In the Matter of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking approval of an Interconnection Agreement with Ernest Communications, Inc., Norcross, Georgia.
- FC-1336 In the Matter of the Formal Complaint of Nebraska Technology & Telecommunications, Inc., Omaha, Nebraska, alleging violation of the Interconnection Agreement and of anti-competitive behavior of Windstream Nebraska, Inc., Little Rock, Arkansas. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer Order was entered July 23, 2009, denying Windstream's motion to dismiss complainants Billing Policies Claim.

Gene Hand reminded the Commissioners that the implementation meeting for the NE 402-531 Numbering Plan Area (NPA) Overlay will be held by conference call at 1:30 p.m. on July 28, 2009.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

- 911-030.32 In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. New Cingular Wireless PCS, LLC, Redmond Washington, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaint. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.
- 911-040/  
PI-152 In the Matter of the Commission, on its own motion, seeking to coordinate federal grants through the Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004 (ENHANCE 911 Act): Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order designating projects for the Federal Grant Application. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

Sue Vanicek discussed companies that have failed to submit Wireless E-911 Quarterly Reports. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter complaints against Affinity Mobile, LLC; Cozac Wireless, LLC d/b/a Movida Communications; Globalstar USA, LLC. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37. In the Matter of Sue Vanicek, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Telenational Communications, Inc.: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order to dismiss. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

NUSF-69.03 In the Matter of N.E. Colorado Cellular, Inc., dba Viaero Wireless, seeking dedicated universal service support for wireless telecommunications services: Commissioner Frank Landis was appointed as Hearing Officer.

Sue Vanicek discussed the Wireless E-911 Late-Filed Carrier Remittances. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to open a complaint against Cozac Wireless d/b/a Movida Communications. No action was taken against Atrium Wireless Partners, LLC, TON Services, Inc. or Tracfone Wireless, Inc. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to open a complaint against Cozac Wireless d/b/a Movida Communications. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT

FC-1333 In the Matter 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 Notice of Appeal received July 23, 2009, from Tim Edens, Complainant.

NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Rod Johnson presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on July 20, 2009, scheduling an Informational Workshop for August 18, 2009, immediately following the Commission's regular public meeting at 10:00 a.m. CDT and a Planning Conference for August 18, 2009, at 1:00 p.m. CDT in the Commission Hearing Room, Lincoln. Parties wishing to participate in the Planning Conference by telephone should dial 1-402-471-6000 for local calls and 1-888-866-4213 for long distance calls.

NATURAL GAS DEPARTMENT (Cont.)

P-0012.28 In the Matter of Black Hills Corporation, Omaha, providing notice required by *Neb. Rev. Stat.* Section 66-1863, as amended, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order closing the docket. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter Assessment Orders in Dockets NG-0046/PI-128 and NG-0057. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

NG-0046/  
PI-128  
GDS-003 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. Commissioner Jerry Vap presiding as Hearing Officer.

NG-0057  
GDS-003 In the Matter of gas supply cost adjustment schedules implemented by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to *Neb. Rev. Stat.* sec. 66-1854. Commissioner Jerry Vap presiding as Hearing Officer.

RULES AND REGULATION

Rule and Regulation #172 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding customer billing practices. Commissioner Frank Landis presiding as Hearing Officer: Shana Knutson informed the Commission that a Hearing Officer's order was entered July 15, 2009 rescheduling the workshop previously set for July 28, 2009 to July 27, 2009. She also informed them that a Hearing Officer's order was entered July 21, 2009 rescheduling the workshop previously set for July 27, 2009 to August 6, 2009 at 1:30 p.m. in the Commission Hearing Room, Lincoln. A conference bridge has been reserved with a call in number of 402-472-6292.

TRANSPORTATION DEPARTMENT

B-1434 In the Matter of Yellow Cab & Limo, Inc., Beatrice: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order deleting Supplement 6 on the certificate. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1715 In the Matter of A Superior Limousine, Tekamah: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order revoking the authority. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

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 \$.56 per mile and the Tariff 22 fuel surcharge at \$2.04 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2127 In the Matter of The Scoular Company, Venango, seeking approval of emergency storage: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting the request. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

GENERAL ADMINISTRATION

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

Birch, Horton, Bittner & Cherot	\$	11,619.86
Laura Demman		962.20
Maurice Gene Hand		1,362.33
Anne Boyle		873.57
Rod Johnson		84.70
Rod Johnson		741.40
Tim Schram		690.12

The following invoices were paid between July 15 and 27, 2009 and should be ratified.

Gerald Vap	\$	1,116.50
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GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Steve Stovall to travel to and attend the National Association for State Relay Administration Annual Conference to be held in Long Beach, California, from September 8, 2009 through September 11, 2009. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for June, 2009. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to authorize all Commissioners to attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Chicago, Illinois from November 14-18, 2009. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve an NTIP employee's request for tuition assistance. Motion passed with Commissioners Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioners Anne Boyle and Jerry Vap excused not voting.

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The meeting adjourned at 10:50 a.m. with Commissioners Rod Johnson, Frank Landis and Tim Schram present and Commissioners Anne Boyle and Gerald Vap excused. The next regularly scheduled meeting will be held on August 4, 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 August 3, 2009.

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Chair man

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Executive Director