

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 August 18, 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 August 25, 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:

Tuesday, August 25, 2009

Rule and Commission Hearing Room, Lincoln. Call in numbers (Local) Regulation 402-471-6000 and (toll free) 888-866-4213. In the Matter #161 of the Commission, on its own motion, seeking to amend 1:00 Title 291, Chapter 1, Rules of Commission Procedure, to rewrite a substantial portion of the rules; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety. Commissioner Frank Landis presiding as Hearing Officer.

Commissioner Rod Johnson entered the Commission Hearing Room.

#### COMMUNICATIONS DEPARTMENT

C-4166/ In the Matter of the Commission regarding the 2008 Annual DC-76 Report Filings. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order dismissing defendants, approving fines and revoking certificates. 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 Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4189 In the Matter of Qwest Corporation, Denver, Colorado, seeking transit records and jointly provided switched access services Amendment to the Interconnection Agreement with HunTel Cable-Vision, Inc. d/b/a HunTel Communications, Blair, previously approved in Docket C-2921: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand reported that a Hearing Officer's order was entered on August 21, 2009, granting OrbitCom's motion to compel certain discovery responses in Dockets FC-1332 and FC-1335. Commissioner Tim Schram presiding as Hearing Officer:

FC-1332 In the Matter of the Formal Complaint of OrbitCom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by OrbitCom in accordance with OrbitCom's intrastate switched access tariff.

FC-1335 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, seeking a determination that OrbitCom, Inc., Sioux Falls, South Dakota, failed to negotiate intrastate access charges and that OrbitCom's tariffed intrastate switched access rates are unfair and unreasonable.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-039/  
PI-145 In the Matter of the Commission, on its own motion, seeking to investigate issues associated with Viper 911 equipment. Commissioner Rod Johnson presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer's order entered August 24, 2009, scheduling a workshop for October 19, 2009 at 10:00 a.m. in the 2<sup>nd</sup> Floor, Atrium Conference Room, Lincoln.

NUSF-69 In the Matter of the Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order amending the amount of reimbursement, exceeding the previously approved limits in the February 10, 2009 order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-72 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant v. Vonage Network, Inc., Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint without prejudice. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF Late-Filed Carrier Remittances: Globalstar USA, LLC; McLeod USA Telecommunications; Encartele, Inc.; Nebraska Long Distance Company; and Pierce Telephone Company: Sue Vanicek recommended that late fees be levied against Encartele, Inc., Nebraska Long Distance Company and Pierce Telephone Company and that complaints be opened against Globalstar USA, LLC and McLeod USA Telecommunications: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to levy late fees again Encartele, Inc., Nebraska Long Distance Company and Pierce Telephone Company; and to open complaints against Globalstar USA, LLC and McLeod USA Telecommunications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0007.6/ In the Matter of Black Hills Energy, Omaha, seeking to  
PI-151 amend the Black Hills Energy Tariff with the Third Revised  
Tariff Sheet Index No. 8, to provide for an Annual Retail  
Service Credit, pursuant to *Neb. Rev. Stat.* sec. 66-1808. Commissioner Tim Schram presiding as Hearing Officer: Laura Demman discussed the Hearing Officer's order entered on August 21, 2009, setting a procedural schedule and scheduling a hearing on October 20, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

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: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter a Planning Conference Order setting a procedural schedule and scheduling a hearing for December 14-18, 2009, at 9:00 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.

NG-0007.6/ In the Matter of Black Hills Energy, Omaha, seeking to  
PI-151 amend the Black Hills Energy Tariff with the Third Revised  
Tariff Sheet Index No. 8, to provide for an Annual Retail  
Service Credit, pursuant to *Neb. Rev. Stat.* sec. 66-1808. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter Assessment Order No. HS-003. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1742 In the Matter of Grace Transport Services, Norfolk, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by van in open class service over irregular routes between points in Madison County: Upon agreement of all Commissioners, a video hearing was scheduled for October 28, 2009, at 10:00 a.m, in the Commission Hearing Room, Lincoln, and Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk. Commissioner Rod Johnson was appointed as Hearing Officer.

Rate Division

BR-353 In the Matter of Champion Homes of Hastings, LLC, Hastings, seeking authority to set its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application 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 \$.44 per mile and the Tariff 22 fuel surcharge at \$2.06 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, 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 \$ 3,912.45

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:19 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 10:38 a.m.

The meeting adjourned at 10:40 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 September 1, 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 31, 2009.

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Chairman

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Executive Director