

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle 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 25, 2009 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 1, 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, September 2, 2009

B-1714, Commission Hearing Room, Lincoln, and Nebraska State Office  
Supp. 1 Building, Room 207, 1313 Farnam Street, Omaha. In the  
10:00 Matter of Caring People Sudan, Omaha, seeking authority as  
a contract carrier in Nebraska intrastate commerce in open  
class service in the transportation of passengers and their  
baggage by van for Nebraska Department of Health and Human  
Services clients between points in Douglas and Sarpy coun-  
ties, and between points in said counties, on the one hand,  
and, on the other hand, points in Nebraska over irregular  
routes. HHS Designation: Yes. RESTRICTION: The transporta-  
tion of railroad train crews and their baggage is not  
authorized. Commissioner Anne Boyle presiding as Hearing  
Officer.

#### COMMUNICATIONS DEPARTMENT

C-4152 In the Matter of the Commission, on its own motion, to  
adopt a relief plan for the 402 area code. Commissioner  
Anne Boyle presiding as Hearing Officer: John Burvainis reported that  
NeuStar has filed the industry implementation plan for the 402-531  
Numbering Plan Area (NPA) Overlay. The industry is recommending that  
network preparation and customer education begin in January 2010, per-  
missive 10-digit dialing starting on June 26, 2010, and mandatory 10-  
digit dialing starting on February 26, 2011. The industry also recom-  
mends that open-ended permissive 10-digit dialing for the 308 NPA be  
implemented on June 26, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Commissioner Anne Boyle entered the Commission Hearing Room.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders approving funding requests for software maintenance in Dockets 911-023.04, 911-023.10, 911-023.47, 911-023.50, 911-023.59 and 911-023.61. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle present not voting.

911-023.04 In the Matter of Custer County, Broken Bow, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.10 In the Matter of Hamilton County, Aurora, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.47 In the Matter of Knox County, Center, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.50 In the Matter of City of Holdrege, Nebraska, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.59 In the Matter of Burt County, Public Safety Answering Point, Tekamah, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.61 In the Matter of Region 26, Public Safety Answering Point, Taylor, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders dismissing the complaints in Dockets 911-030.34 and 911-030.36. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-030.34 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Affinity Mobile, LLC, Plano, Texas, Respondent.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-030.36 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Globalstar USA, LLC, Milpitas, California, Respondent:

911-019/  
PI-118 In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Angela Melton discussed the Hearing Officer's Order entered August 25, 2009 extending the deadline for submission of comments to September 8, 2009.

NUSF-69.03 In the Matter of the Nebraska Public Service 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: Angela Melton discussed the Hearing Officer's order entered August 31, 2009 scheduling a hearing on September 29, 2009 at 10:30 a.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT

FC-1338 In the Matter of the Formal Complaint of Dennis and Kris Stoltenberg, Grand Island, v. SourceGas Distribution LLC, Lakewood, Colorado, alleging inflated billing charges, multiple/confusing billing, and poor customer service. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order dismissing the formal complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0007.6/  
PI-151 In the Matter of Black Hills Energy, Omaha, seeking to 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 reported that on August 31, 2009 the Hearing Officer entered an order denying Constellation-New Energy Gas formal intervention and granting informal intervention and an order granting Seminole Energy Services, LLC informal intervention.

RULES AND REGULATION

Rule and Regulation to amend Title 291, Chapter 5, Telecommunications Rules and #172 Regulations, to add rules regarding customer billing practices. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order releasing the second set of proposed rules and scheduling a hearing for October 19, 2009 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1493 In the Matter of M & M Cole, Inc., dba Elite Coaches, North Platte, seeking revocation and cancellation of the common carrier permit in B-1493: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order revoking the authority in B-1493. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1731 In the Matter of LBH, dba Archway Transportation, seeking to institute a new service as a contract carrier over irregular routes by transportation of clients of the Nebraska Department of Health and Human Services by van and wheelchair van in open class service: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

TR-172 In the Matter of Servant Cab Company, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order Nunc Pro Tunc. 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 increased to \$.62 per mile and the Tariff 22 fuel surcharge to \$2.68 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders opening Dockets RVF-3, MODF-3 and MANF-2 and scheduling a hearing on September 22, 2009, at 2:30 p.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 Tim Schram was appointed as Hearing Officer.

RVF-3 In the Matter of the Commission, on its own motion, seeking to determine the fees for the Recreational Vehicle Program.

MODF-3 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program.

MANF-2 In the Matter of the Commission, on its own motion, seeking to determine the seal amount for the Manufactured Home Program.

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.

Sprint	\$	58,232.89
Anne Boyle		726.00
Rod Johnson		1,085.15
Tim Schram		598.40
Gerald Vap		1,034.00

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve Commission minutes for July, 2009. 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 Jerry Vap, to authorize Gene Hand, Sue Vanicek and Laura Demman to attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Chicago, Illinois from November 12 through November 18, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to authorize Commissioner Rod Johnson to attend the National Association of Water Companies (NAWC) 5th National Drinking Water Symposium to be held in Orlando, Florida from October 11 through October 14, 2009, contingent upon receipt of \$800.00 stipend from NAWC and hotel subsidy of three nights. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, 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 10:21 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, 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 10:46 a.m.

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The meeting adjourned at 10:48 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 10, 2009, at 9:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 9, 2009.

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Chairman

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Executive Director