

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 September 8, 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 September 15, 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, September 16, and Thursday, September 17, 2009 (if needed):

- 9:30 Commission Hearing Room, Lincoln. 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.

#### COMMUNICATIONS DEPARTMENT

C-4152 In the Matter of the Nebraska Public Service Commission, on its own motion, to adopt a relief plan for the 402 area code. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve an implementation schedule for the new area code. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Gene Hand provided statistics and an updated map reflecting the deployment of 211 service in Nebraska.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders approving applications C-4191 and C-4194. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4191 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an Interconnection Agreement with Matrix Telecom, Inc. d/b/a Matrix Business Technologies d/b/a Trinsic Communications, Dallas, Texas.

C-4194 In the Matter of the Application of United Telephone Company of the West d/b/a Embarq, Overland Park, Kansas, seeking approval of an Interconnection, Collation and Resale Agreement with TCG Omaha, Olathe, Kansas.

E-2225 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Jefferson County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Sue Vanicek informed the Commission that the next Enhanced Wireless E-911 Advisory Board Meeting is scheduled for November 2, 2009 at 10:00 a.m. at the Columbus Public Library, 2nd Floor, 2504 14th Street, Columbus.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders dismissing the complaints in Dockets NUSF-37.199 and NUSF-37.200. 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-37      In the Matter of Sue Vanicek, Director of the Nebraska  
.199            Telecommunications Infrastructure and Public Safety  
                 Department of the Nebraska Public Service Commission,  
                 Complainant v. Globalstar USA, LLC, Respondent.

NUSF-37      In the Matter of Sue Vanicek, Director of the Nebraska  
.200            Telecommunications Infrastructure and Public Safety  
                 Department of the Nebraska Public Service Commission,  
                 Complainant v. McLeod USA Telecommunications Services,  
                 Inc., Fairport, NY, Respondent.

Sue Vanicek discussed the Commission's efforts to inform the public about the Nebraska Telephone Assistance Program (NTAP) during National Lifeline/Linkup Awareness Week, September 14-20, 2009.

NATURAL GAS DEPARTMENT

NG-0054      In the Matter of United Energy Trading, LLC, Lakewood,  
                 Colorado, seeking authority for a Competitive Natural Gas  
Provider Certificate in the state of Nebraska: Motion made by Commis-  
sioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an  
order dismissing application. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commis-  
sioner Tim Schram, to enter Assessment Orders in Dockets FC-1327,  
NG-0007.6/PI-151 and NG-0060. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1327      In the Matter of the Formal Complaint of the Nebraska  
HS-0031      Public Advocate, seeking a determination that Kinder Mor-  
                 gan, Inc. and/or its successor in interest, SourceGas Dis-  
                 tribution, LLC improperly implemented, billed and received  
                 payment for interim and final rates in NG-0036 for which  
                 customers are entitled to a credit or refund from Kinder  
                 Morgan, Inc. and/or SourceGas Distribution, LLC. Commis-  
                 sioner Jerry Vap presiding as Hearing officer.

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  
HS-004            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.

NG-0060      In the Matter of SourceGas Distribution LLC, Lakewood,  
HS-002            Colorado, seeking approval of a general rate increase.  
                 Commissioner Rod Johnson presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT

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 \$.60 per mile, and the Tariff 22 fuel surcharge was decreased to \$2.56 per truck per trip.

Commissioner Rod Johnson left the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

Commissioner Rod Johnson entered the Commission Hearing Room.

John Fecht discussed the following shortages:

GW-1095 In the Matter of Farmers Elevator, Inc., Bancroft: Soybeans

GW-1154 In the Matter of Cooperative Producers, Inc., Hastings: Corn and soybeans

GW-1503 In the Matter of Trinidad/Benham Corp., Bayard: Great Northern beans

GW-1805 In the Matter of Scheitel Feed & Seed Company, Falls City: Corn.

GW-1599/  
GWC-421 In the Matter of John A. Fecht, Director Warehouse Department, Nebraska Public Service Commission, Complainant, v. Alvo Grain and Feed, Inc., Alvo, Nebraska, Defendant:  
Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order regarding the distribution of proceeds. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Grain Dealer Division

GD-2945 In the Matter of Interstate Commodities, Inc., Omaha, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2010: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

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 10:35 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 10:42 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the extension of the furlough plan for the Housing and Recreational Vehicle Department. 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 10:35 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 22, 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 September 21, 2009.

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Chairman

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Executive Director