

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 October 6, 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 October 14, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Rod Johnson entered the Commission Hearing Room.

Attention was called to the following proceedings:

Monday, October 19, 2009

Rule and Commission Hearing Room, Lincoln.
Regulation Call in number: 1-888-820-1398, Access Code: 7370314#.
#172 In the Matter of the Commission, on its own motion, seeking
1:30 to amend Title 291, Chapter 5, Telecommunications Rules and
Regulations, to add rules regarding customer billing practices. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

AD-486r In the Matter of the Application of The Prosper Group, Greenwood, Indiana, seeking authority to register the connection of an automatic dialing-announcing device in Highlands Ranch, Colorado: Motion made by Commissioner Tim Schram, 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.

FC-1336 In the Matter of the Formal Complaint of Nebraska Technology & Telecommunications, Inc., Omaha, Nebraska, alleging violation of the Interconnection Agreement and of anticompetitive behavior of Windstream Nebraska, Inc., Little Rock, Arkansas. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order sustaining the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1339 In the Matter of Qwest Communications Company, LLC, AT&T Communications of the Midwest, Inc., and TCG Omaha, Complainants v. Cox Nebraska Telecom, LLC, Respondent: Commissioner Frank Landis was appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders granting applications C-4204 and C-4205. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4204 In the Matter of the Application of Embarq Communications, Inc., Lafayette, Colorado, seeking approval to adopt the d/b/a of CenturyLink Communications.

C-4205 In the Matter of the Application of United Telephone Company of the West d/b/a Embarq, Lafayette, Colorado, seeking approval to adopt the d/b/a of CenturyLink.

C-4215/
PI-155 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 Greeley, Loup, Wheeler, Garfield, Furnas, Lincoln, Garden, Keith, Deuel and Cheyenne Counties, 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.

E-2227 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Adams, Clay and Fillmore Counties: 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.

Gene Hand informed the Commission that a Hearing Officer's order was entered October 7, 2009, in Dockets FC-1332 and FC-1335 setting the deadline for post-hearing briefs for October 23, 2009:

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 Orbitson's intrastate switched access tariff. Commissioner Tim Schram presiding as Hearing Officer.

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. Commissioner Tim Schram presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4150/ NUSF-76 In the Matter of the Petition of TracFone Wireless, Inc., Miami, Florida, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the limited purpose of offering lifeline and link up service to qualified households. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer's order was entered on October 6, 2009, granting the applicant's request to hold the application in abeyance.

C-4165 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and determine whether it is appropriate for telecommunications companies to assess intrastate transit charges on Extended Area Service Traffic. Commissioner Jerry Vap presiding as Hearing Officer. Gene Hand informed the Commission that a Hearing Officer's order was entered October 13, 2009, granting the motion to compel answers to discovery in part and denying it in part.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-002 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order setting a hearing for November 10, 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. Commissioner Jerry Vap was appointed as Hearing Officer.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders approving funding requests for applications 911-023.04 and 911-023.80. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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.

911-023.81 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.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter orders in applications 911-023.79 and 911-023.82 setting a hearing for November 10, 2009 at 2:00 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 Jerry Vap was appointed as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.79 In the Matter of Morrill County, Public Safety Answering Point, Bridgeport, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.82 In the Matter of KBRC Regional E-911, Keya Paha, Brown, Cherry and Rock Counties, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-039/
PI-145 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate issues associated with Viper 911 equipment. Commissioner Rod Johnson presiding as Hearing Officer. Sue Vanicek discussed the Hearing Officer's order entered October 13, 2009, continuing the workshop previously scheduled for October 19, 2009 to a date later to be determined.

Sue Vanicek announced the resignation of Bill Ashburn from the Wireless Enhanced 911 Advisory Board as he retires from ALLTEL Communications and presented to the Commission a Resolution acknowledging Mr. Ashburn's service. Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the resolution recognizing Bill Ashburn's service on the Wireless E-911 Advisory Board. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-33/
PI-68 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve in part, and deny in part, the audit waiver requests from various companies. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1,
P.O. #7 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Southeast Nebraska Telephone Company. Sue Vanicek discussed the deviation of remittance audit procedures' language. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to accept the third-party audit as submitted. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-76/
C-4150 In the Matter of the Petition of Tracfone Wireless, Inc., Miami, Florida, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the limited purpose of offering Lifeline and Link-up services to qualified households: Gene Hand discussed, on the Communication's Department agenda, the Hearing Officer's Order entered October 6, 2009, holding the application in abeyance per the applicant's request.

NATURAL GAS DEPARTMENT

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 the Hearing Officer's order entered October 8, 2009, scheduling town hall meetings as follows:

November 17, 2009	11:00 a.m. CST	Plainview High School, Old Gym, 301 West Pilcher, Plainview
November 17, 2009	6:00 p.m. CST	Babel's Barn, 510 West Old Military Road, Wood River
November 18, 2009	11:00 a.m. CST	Fraternal Order of Eagles Club, 223 West Avenue, Holdrege
November 18, 2009	6:00 p.m. MST	The Gering Civic Center, 1050 M Street, Gering; and
November 19, 2009,	1:30 p.m. CST	McCook Heritage Senior Center, 1312 West 5th, McCook.

Laura Demman discussed items addressed during the Nebraska Energy Assistance Network (NEAN) meeting held October 7, 2009, including funding established under the American Recovery and Reinvestment Act for Homeless Prevention and Rapid Rehousing, which allows payments to utilities for beneficiaries.

TRANSPORTATION DEPARTMENT

B-1740 In the Matter of Diamond Link Services, LLC, Omaha, seeking authority as a common carrier in the transportation of passengers and their baggage by vans 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 between said 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 denying the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14205 In the Matter of Tymar, LLC, dba Second To None Moving, LaVista, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in Cass, Sarpy, Douglas, and Washington counties and between points in said counties over irregular routes: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order denying the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

TRANSPORTATION DEPARTMENT (Cont.)

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 increased to \$.60 per mile and the Tariff 22 fuel surcharge to \$2.40 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-926 In the Matter of Farmers Cooperative Company, Talmage: John Fecht discussed the shortage of corn.

GW-2174 In the Matter of Pender Grain Elevator, Inc., Pender: John Fecht discussed the shortage of corn.

Grain Dealer Division

GD-2943 In the Matter of Urwin Trucking, L.L.C., Chadron, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending September 30, 2010: Motion made by Commissioner Jerry Vap, 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.

Commissioner Tim Schram, John Fecht and Mike Hybl briefed the Commission on the public hearing conducted by the Agriculture and Environment Committee of the Nebraska Unicameral on October 2, 2009 on LR 104.

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.

Central Services	\$	522.41
Voyager		1,827.13
West		898.54
Kent Pribyl		976.23

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to authorize Commissioner Rod Johnson to attend the Mid-America Telecom Showcase and Seminar (MATSS) to be held in Kansas City, MO from October 18-20, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:50 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 October 20, 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 October 19, 2009.

Chairman

Executive Director