

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and 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 13, 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 20, 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:

Friday, October 23, 2009

1:00 Atrium Building, 2nd Floor Conference Room, Lincoln.
Telecommunications Relay Service (TRS) Advisory Committee Meeting.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving applications C-4196 and C-4198. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-4196 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an Interconnection Agreement with EnTelegent Solutions, Inc., Charlotte, North Carolina:

C-4198 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 Agreement with Charter Fiberlink-Nebraska LLC, St. Louis, Missouri.

E-2223 In the Matter of the Application of Municipal Energy Agency of Nebraska, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Kimball County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

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: Gene Hand reported that two hearing officer orders were entered on October 15, 2009, granting formal intervenor status to Verizon and scheduling oral arguments on Cox's motion to dismiss for November 19, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Gene Hand informed the Commission that the next Telecommunications Relay Service Advisory Committee Meeting is scheduled for October 23, 2009, at 1:00 p.m. in the Atrium 2nd Floor Conference Room, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.51 In the Matter of Dixon County, Public Safety Answering Point, Ponca, 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 an order approving the funding request. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders in Dockets 911-030.31 and 911-033.09 sustaining the complaints and assessing penalties. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

911-030.31 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Cozac Wireless, LLC d/b/a Movida Communications, Respondent.

911-033.09 In the Matter of Sue Vanicek, Director, Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Cozac Wireless, LLC d/b/a Movida Communications, Respondent.

Sue Vanicek discussed the Hearing Officer's Orders entered October 19, 2009 in Dockets 911-023.79 and 911-023.82 to include video conference sites at Ainsworth Public Library, 5th and Main, Ainsworth and Panhandle Research & Extension Center, 4502 Avenue I, High Plains Room, Scottsbluff for the hearing scheduled on November 10, 2009 at 2:00 p.m.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-23.79 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.

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 enter an order approving late-filed audit waiver requests. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

NUSF-37. In the Matter of Sue Vanicek, Director, Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Cozac Wireless, LLC d/b/a Movida Communications, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order sustaining the complaint and assessing penalties. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

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: Petition received May 20, 2009 from N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless for support: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the Petitioner's application, subject to terms and conditions. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NUSF-1, In the Matter of the Nebraska Public Service Commission, PO #7 on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund. Allo Communications; Arapahoe Telephone Company; Nebraska Technology & Telecommunications and Total Telepage of Nebraska, Inc.: 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 audits as submitted. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

NG-0007.6 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: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

NG-0013 In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter Progression Order No. 25. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT

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 \$.62 per mile and the Tariff 22 fuel surcharge to \$2.68 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2122 In the Matter of Carroll Feed & Grain Co., Carroll: John Fecht discussed the shortage of corn and soybeans.

Grain Dealer Division

GD-2942 In the Matter of Mosher's Organic Grain Co., L.L.C., Bushnell, 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 Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioners Anne Boyle and Rod Johnson excused not voting.

GENERAL ADMINISTRATION

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

Central Services	\$	4,005.44
Sprint Relay Services		54,039.37
Donald Gray		946.07
Gerald Vap		1,034.00

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing		961.20
Associated Ear Nose & Throat		2,081.10
Grace Hearing Instruments		279.95
B Hear Inc		1,060.25
Beltone		2,378.85
Dynavox Systems		1,000.00
Glassman's Hearing Aid Service		323.15
Grand Island Hearing Aid		626.00
Carl A. Johnson Jr.		1,426.15
Johnson Hearing Aid Service Inc		286.80
Professional Hearing Aid Services		2,883.95
Sherard Hearing Aid Center		1,457.00
Teltex Inc.		1,854.68
Western ENT Associates		729.80
Weitbrecht Communications		1,719.90

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Kent Pribyl to travel to Clay Center, Kansas, on October 20, 2009, to perform a modular housing unit factory inspection at Wardcraft Homes, Inc. with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes, Inc. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting. The Commission entered into closed session at 10:22 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting. The Commission returned to open session at 10:43 a.m.

The meeting adjourned at 10:50 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Rod Johnson excused. The next regularly scheduled meeting will be held on October 27, 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 26, 2009.

Chairman

Executive Director