

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 October 20, 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 27, 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:

Monday, November 2, 2009

10:00 Enhanced Wireless E-911 Advisory Board Meeting, Columbus Public Library, 2nd Floor, 2504 14th Street, Columbus.

COMMUNICATIONS DEPARTMENT

C-4203 In the Matter of the Application of Alliance Global Networks, LLC, Westport, Connecticut, seeking authority to operate as an interexchange carrier of telecommunications services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4207 In the Matter of the Application of Lattice Incorporated, Pennsauken, New Jersey, seeking authority to operate as an operator services provider and resale carrier of intrastate interlata and intralata telecommunications services within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

WC Docket Comments sought by the Federal Communications Commission on 09-193 the National Association of Regulatory Utility Commissioners (NARUC) Petition for Clarification or Declaratory Ruling Regarding State Authority to Obtain Broadband-Related Data: Upon agreement of all Commissioners present, the Commission will not file initial comments in this matter.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders approving Applications C-4206, C-4208 and C-4209. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4206 In the Matter of Qwest Corporation, Denver, Colorado, and IT Communications, LLC, Newton, Iowa, seeking approval for the adoption of an interconnection agreement previously approved in Docket C-4139 pursuant to 47 USC §252(i).

C-4208 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a wireline interconnection agreement with Nebraska Technology & Telecommunications, Inc., Omaha.

C-4209 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of resale agreement with iNetworks Group, Inc., Chicago, Illinois.

Gene Hand reported that October 28, 2009, marks the United States Department of Agriculture (USDA) Rural Development's Rural Utilities Service (RUS) 60th Anniversary of telecommunications loan and grant programs.

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 informed the Commission that a Hearing Officer Order was entered October 26, 2009, granting informal intervention to the Rural Independent Companies.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/
PI-117 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund. Affinity Mobile, LLC and Cause Based Commerce: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order approving the audit waiver requests. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-1628/
NUSF In the Matter of the Commission, on its own motion, seeking to conduct an investigation into intrastate access charge reform and intrastate universal service fund: Cambridge Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving Cambridge Telephone Company's change in NUSF-EARN form filing. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter Assessment Orders in Dockets FC-1327, NG-0007.6/PI-151, and NG-0060. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1327 In the Matter of the Formal Complaint of the Nebraska Public
HS-0032 Advocate, seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, 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. Commissioner 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-005 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-003 Colorado, seeking approval of a general rate increase. Commissioner Rod Johnson presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1714 In the Matter of Caring People Sudan, Omaha, seeking auth-
Supp. 1 ority as a contract carrier in open class service providing transportation of passengers and their baggage by van for the Nebraska Department of Health and Human Services clients between points in Douglas and Sarpy counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application as modified. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1724 In the Matter of Midwest Transport, LLC, Lincoln, seeking authority as a common carrier in open class service in the transportation of passengers and their baggage in the state of Nebraska over irregular routes: Upon agreement of all Commissioners present, a hearing was scheduled for December 2, 2009, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1728 In the Matter of Central Limousine, LLC, Grand Island, Supp. 2 seeking to acquire, through transfer, the certificate held by R & F Hobbies, Inc., dba Aquila Limo, in Certificate

B-1697. Commissioner Rod Johnson presiding as Hearing Officer: Mark Breiner informed the Commission that a Hearing Officer's Order was entered October 27, 2009 continuing the hearing previously scheduled for October 29, 2009, to November 3, 2009, at 1:00 p.m. in the Commission Hearing Room, Lincoln.

B-1732 In the Matter of Midwest Transport, LLC, dba MWT, Lincoln, seeking authority as a contract carrier in the transportation of clients of Zone Care USA by van in open class service between points in Lancaster County: Upon agreement of all Commissioners present, a hearing was scheduled for December 2, 2009, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis was appointed Hearing Officer.

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 \$.68 per mile, and the Tariff 22 fuel surcharge was increased to \$3.20 per truck per trip.

Commissioner Frank Landis noted that he has seen several vans owned by Servant Cab that have missing hubcaps on the vehicles. The Commission discussed the issue.

GENERAL ADMINISTRATION

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

AS Central Services-Office Supplies	\$	510.25
AS Central Services-Postage		556.10
AS Central Services-Network Services		3,360.46

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to surplus Vehicle #10341, 2000 Ford Taurus SE Station Wagon (Scott Elston). Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter into closed session. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission entered into closed session at 10:21 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission returned to open session at 10:46 a.m.

The meeting adjourned at 10:48 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on November 3, 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 November 2, 2009.

Chairman

Executive Director