

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 October 27, 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 November 3, 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:

Thursday, November 5, 2009

B-1717      Video Hearing. Commission Hearing Room, Lincoln, and  
Supp. 1      Northeast Community College, Maclay Building, Room 122, 801  
10:00      East Benjamin Avenue, Norfolk. In the Matter of Platinum  
Limousine Services, LLC, Norfolk, seeking authority as a  
common carrier in Nebraska intrastate commerce in the  
transportation of passengers and their baggage in limousine  
service between points in Platte, Colfax, Boone, Antelope  
and Knox counties, on the one hand, and, on the other hand,  
points in Nebraska over irregular routes. HHS Designation:  
No. RESTRICTION: The transportation of railroad train  
crews and their baggage is not authorized. Commissioner  
Rod Johnson presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-4145/      In the Matter of the Nebraska Public Service Commission, on  
NUSF-74/      its own motion, to conduct an investigation on intrastate  
PI-147      switched access charge policies and regulation codified in  
Neb. Rev. Stat. Section 86-140. Commissioner Frank Landis  
presiding as Hearing Officer: Motion made by Commissioner Anne Boyle,  
seconded by Commissioner Tim Schram, to enter an order releasing a  
proposed order and scheduling a hearing for December 9, 2009, at 9:30  
a.m. in the Commission Hearing Room, Lincoln. Motion passed with Com-  
missioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry  
Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that requests were received from Qwest Corporation on October 21, 2009, and Blair Telephone Company on October 27, 2009, asking the Commission to overturn denials by the Pooling Administrator for telephone numbers in the Omaha and Ft. Calhoun rate centers respectively so they may serve specific customer needs: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve sending letters to the Pooling Administrator requesting that Utilization and Months to Exhaust requirements be waived and the numbering resources be assigned as requested. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand informed the Commission the Telecommunications Relay Service (TRS) Advisory Committee met October 23, 2009, and approved recommending the adoption of a new standard relay announcement proposed by Sprint. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to notify Sprint that the proposed new standard relay announcement was approved and could be implemented. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4212 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a wireline interconnection agreement with Time Warner Cable Information Services, LLC, New York, New York: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2232 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter orders approving Applications E-2232 and E-2233. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3423 In the Matter of the request by 34 Nebraska Rural Local Exchange Carriers to revise the Commission's July 20, 2004, order granting suspension of the Federal Communications Commission's requirement to implement wireline-wireless number portability pursuant to 47 U.S.C. 251(f)(2). Commissioner Jerry Vap presiding as Hearing Officer: Gene Hand informed the Commission that the Final Status Report was submitted October 29, 2009, by the Sodtown Telephone Company indicating they had completed all requirements necessary to provide wireline-wireless number portability.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

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 Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving funding for software maintenance costs. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-24.30 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: Emergency Communications Network: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting access to the repository in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.193 In the Matter of Sue Vanicek, Director, Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. i-Wireless, Inc., Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-74/  
C-4145/  
PI-147 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to conduct an investigation on intrastate switched access charge policies and regulation codified in *Neb. Rev. Stat.* sec. 86-140. Commissioner Landis presiding as Hearing Officer: This matter was addressed during the Communications Department agenda. A hearing was scheduled for December 9, 2009 at 9:30 a.m. in the Commission Hearing Room, Lincoln.

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 order entered October 29, 2009, by the Hearing Officer setting November 4, 2009, deadline for response to Motion to Compel.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter Assessment Orders in Dockets NG-0046/PI-128, NG-0057 and NG-0060. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0046/  
PI-128  
GDS-004 In the Matter of the Commission, on its own motion, seeking to investigate certain customer service issues and plans relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado. Commissioner Jerry Vap presiding as Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

- NG-0057      In the Matter of gas supply cost adjustment schedules  
GDS-006      implemented by SourceGas Distribution LLC, Lakewood,  
Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*.  
Commissioner Jerry Vap presiding as Hearing Officer.
- NG-0060      In the Matter of SourceGas Distribution LLC, Lakewood,  
GDS-002      Colorado, seeking approval of a general rate increase.  
Commissioner Rod Johnson presiding as Hearing Officer.

Laura Demman reported a total number of 174 consumer complaints and inquiries received at the Commission during October. For each company: Black Hills - 9; NorthWestern - 1; SourceGas - 158; and Other Entities - 6.

TRANSPORTATION DEPARTMENT

- B-1716      In the Matter of Accute Transportation, Omaha, seeking  
authority as a common carrier in Nebraska intrastate  
commerce in the transportation of passengers and their baggage in  
open class service by van between points in Douglas, Dodge, 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 Com-  
missioner Anne Boyle, to enter an order dismissing the application.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.
- 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 Certifi-  
cate B-1697. Commissioner Rod Johnson presiding as Hearing  
Officer: Mark Breiner informed the Commission that a Hearing Offi-  
cer's Order was entered October 30, 2009, continuing the hearing  
previously scheduled for November 3, 2009, to a date later to be  
determined.
- B-1742      In the Matter of Grace Transport Services, Inc., Norfolk,  
seeking authority as a common carrier for the transporta-  
tion of passengers and their baggage by van in open class service be-  
tween points in Madison County over irregular routes, including the  
transportation of Health and Human Services clients. Commissioner Rod  
Johnson presiding as Hearing Officer: Mark Breiner advised the Com-  
mission that a Hearing Officer's Order was entered November 3, 2009,  
continuing the hearing previously scheduled for October 28, 2009, to  
November 30, 2009, at 10:00 a.m. in the Commission Hearing Room, Lin-  
coln, and Northeast Community College, Maclay Building, Room 122, 801  
East Benjamin Avenue, Norfolk.

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 decreased to \$.66 per mile, and the Tariff 22 fuel surcharge was decreased to \$3.12 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GD-2956 In the Matter of Summit Farms Grain, LLC., Alden, IA, 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 Rod Johnson, 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 Jerry Vap, seconded by Commissioner Tim Schram, 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.

Anne Boyle	\$ 43.79
Anne Boyle	726.00
Rod Johnson	976.76

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to authorize Commissioner Anne Boyle to travel to and attend the Universal Service Administration Company (USAC) Quarterly Meetings to be held in Washington, DC in January, April, July and October, 2010 with all expenses to be paid by USAC. 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 Commissioner Tim Schram, to authorize Commissioner Anne Boyle to travel to and attend the National Association of Regulatory Utility Commissioners Winter Conference to be held in Washington, DC from February 13-17, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Mike Hybl discussed the Governor's call for a Special Session to address state revenue shortfall for FY 2008-2009, 2009-2010 and 2010-2011.

Commissioner Rod Johnson left the Commission Hearing Room.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter into closed session. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission entered into closed session at 10:42 a.m.

Commissioner Rod Johnson entered the Commission Hearing Room.

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 10:47 a.m.

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The meeting adjourned at 10:51 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 November 10, 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 9, 2009.

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Chairman

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Executive Director