

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. Chairman Landis announced that there would be no Commission meeting on November 17, 2009.

GENERAL ADMINISTRATION

Notice was duly published November 3, 2009 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 10, 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:

Tuesday, November 10, 2009

- 911-002 Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Commissioner Jerry Vap presiding as Hearing Officer.
- 1:30
- 2:00 Commission Hearing Room, Lincoln and video conference sites at Ainsworth Public Library, 5th and Main, Ainsworth and Panhandle Research & Extension Center, 4502 Avenue I, High Plains Room, Scottsbluff. Commissioner Jerry Vap presiding as Hearing Officer.
- 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.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in October 2009. She reported there were a total of 65 complaints: 39 - wireline and 26 - wireless. The complaints were categorized as follows: 35 billing, 20 service and 10 miscellaneous issues.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-487 In the Matter of the Application of Community Venture Group, LLC, Omaha, Nebraska, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders sustaining Docket FC-1332 and dismissing Docket FC-1335. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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. 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:

FC-1336 In the Matter of the Formal Complaint of Nebraska Technology & Telecommunications, Inc., Omaha, Nebraska, alleging violation of the Interconnection Agreement and of anti-competitive behavior of Windstream Nebraska, Inc., Little Rock, Arkansas. Commissioner Frank Landis presiding as Hearing Officer. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to deny Windstream's request for Limited Reconsideration/Rehearing. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders approving applications C-4211 and C-4213. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-4211 In the Matter of the Application of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking approval of an interconnection agreement with Time Warner Cable Information Services LLC d/b/a Time Warner Cable, New York, New York.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4213 In the Matter of the Application of United Telephone Company of the West d/b/a Embargo, Overland Park, Kansas, and Metropolitan Telecommunications of Nebraska, Inc. d/b/a MetTel, New York, New York, seeking approval for the adoption of an Interconnection, Collocation and Resale Agreement previously approved in Docket C-3970 pursuant to 47 USC §252(i).

E-2161 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte and Colfax Counties: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting a 6-month extension to June 18, 2010, for applicant to complete the authorized construction granted on December 18, 2007. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-32.08 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules or Orders and to impose administrative fines: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order sustaining the Show Cause in part, to dismiss the Show Cause in part, and to levy penalties against certain carriers that did not timely file NUSF remittance audits that were due December 31, 2008. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

WC 02-60 In the Matter of Action Communications, Incorporated's request for waiver of the Commission's Rural Health Care Program Rules and Emergency Petition for expedited stay pending Commission review: Sue Vanicek discussed the Waiver Request and, seeks Commission approval to file reply comments due November 23, 2009, supporting Action's request. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to file reply comments due November 23, 2009. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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 an order entered by the Hearing Officer on November 5, 2009, denying the Public Advocate's Motion to Compel and granting the SourceGas Motion for Protective Order. An order was entered by the Hearing Officer on November 9, 2009, setting November 12, 2009 as the deadline for response to the Motion to Strike.

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders closing Dockets P-0012.29, P-0012.30, and P-0012.31. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

P-0012.29 In the Matter of Black Hills Corporation, Omaha, providing notice required by Neb. Rev. Stat. Section 66-1863, as amended, that it intends to extend or enlarge its service area or extend a gas main (Mallard Lake Addition Phase 2).

P-0012.30 In the Matter of Black Hills Corporation, Omaha, providing notice required by Neb. Rev. Stat. Section 66-1863, as amended, that it intends to extend or enlarge its service area or extend a gas main (Tuscany Apartments in Papillion, NE).

P-0012.31 In the Matter of Black Hills Corporation, Omaha, providing notice required by Neb. Rev. Stat. Section 66-1863, as amended, that it intends to extend or enlarge its service area or extend a gas main (Indian Creek Commercial Subdivision at 203rd Plaza & Manderson Plaza).

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: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter Assessment Order HS-004. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

LEGISLATIVE

The Commission discussed pending legislation.

Commissioner Rod Johnson entered the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

MCC-3168 In the Matter of Mark Breiner, Director, Motor Transporta-
MCC-3171 tion Department, Nebraska Public Service Commission, vs.
Central Limousine, LLC, Grand Island: Mark Breiner advised
the Commission that a Hearing Officer's Order was entered November 10,
2009, scheduling a video hearing for December 3, 2009, at 10:00 a.m.
in the Commission Hearing Room, Lincoln, and Grand Island Public
Library, 211 North Washington Street, Grand Island.

M-14208 In the Matter of Jason D. Peterson, dba Transfer 88, Blair,
seeking to acquire, through transfer, the certificate held
by Kenny Morton, dba Transfer 88, Omaha: Motion made by Commissioner
Anne Boyle, seconded by Commissioner Tim Schram, to enter an order
granting the application and revoking Certificate M-14141. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

Rate Division

LR-310 In the Matter of Central Limousine, LLC, Grand Island,
seeking authority to adjust its rates and charges: Motion
made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap,
to enter an order granting the application on an emergency basis.
Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram
and Jerry Vap voting AYE, and Commissioner Anne Boyle present not
voting.

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.

HOUSING AND RECREATIONAL VEHICLES

Mark Luttich discussed the financial status of the depart-
ment.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commis-
sioner Anne Boyle, 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.

GENERAL ADMINISTRATION (Cont.)

Voyager	\$2,081.92
West	898.54
Kent Pribyl	863.14
Tim Schram	561.00

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for September and October, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to return to open session. 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 approve the Executive Director's recommendation to approve the advance of sick leave to employees in the Nebraska Telecommunications Infrastructure and Public Safety (NTIPS) and General Administration Departments. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:55 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 24, 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 23, 2009.

Chairman

Executive Director