

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis and Tim Schram present and Commissioners Anne Boyle and Gerald Vap 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 November 18, 2009 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 24, 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 30, 2009

B-1742 Commission Hearing Room, Lincoln and video link to North-east Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk. In the Matter of Grace Transport Services, Norfolk, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by van in open class service over irregular routes between points in Madison County. Commissioner Rod Johnson presiding as Hearing Officer.
10:00

COMMUNICATIONS DEPARTMENT

Commissioner Anne Boyle entered the Commission Hearing Room.

C-4214 In the Matter of the Application of iBasis Retail, Inc., Burlington, Massachusetts, seeking authority to operate as an interexchange carrier of telecommunication 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 and Tim Schram voting AYE, Commissioner Anne Boyle present not voting, and Commissioner Jerry Vap excused not voting.

C-4215/ In the Matter of the Commission, on its own motion, seeking
PI-155 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 Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4216 In the Matter of the Application of Comcast Phone of Nebraska, LLC d/b/a Comcast Digital Phone, Philadelphia, Pennsylvania, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4217 In the Matter of the Joint Application of CIMCO Communications, Inc., Oakbrook Terrace, Illinois, and Comcast Phone of Nebraska, LLC d/b/a Comcast Digital Phone, Philadelphia, Pennsylvania, seeking approval of a transfer of assets and customer base: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4218 In the Matter of the Application of Gold Line Telemanagement Inc., Richmond Hill, Ontario, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Gene Hand informed the Commission that a request was received from Windstream Midwest-NE, on November 11, 2009, asking the Commission to overturn a denial by the Pooling Administrator for telephone numbers in the Grand Island rate center: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve sending a letter 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4219 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an interconnection agreement with Huntel CableVision, Inc. d/b/a American Broadband Nebraska Communications, Blair: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter orders granting applications E-2228, E-2234 and E-2235. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

E-2228 In the Matter of the Application of Twin Valleys Public Power District, Cambridge, seeking authority to construct, operate and maintain an electric transmission line in Harlan County.

E-2234 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

E-2235 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

Gene Hand provided the Commissioners with a copy of a November 24, 2009, release announcing the acquisition of Iowa Telecommunications Services, Inc. by Windstream Corporation expected to close in mid-2010.

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 Rod Johnson, to enter an order setting the surcharge. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter orders approving funding requests for Dockets 911-023.01, 911-023.04, 911-023.07, 911-023.19, 911-023.22, 911-023.29, 911-023.33, 911-023.44, 911-023.51, 911-023.60, 911-23.062, 911-023.66 and 911-023.80. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.01 In the Matter of Sarpy County, Papillion, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-023.04 In the Matter of Custer County, Public Service Answering Point, Broken Bow, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.
- 911-023.07 In the Matter of Cedar County, Hartington, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.
- 911-023.19 In the Matter of Kearney County, Minden, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.22 In the Matter of Jefferson County, Fairbury, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.
- 911-023.29 In the Matter of Saline County, Public Safety Answering Point, Wilber, and Crete Police Department, Crete, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.33 In the Matter of Gage County, Public Safety Answering Point, Beatrice, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.44 In the Matter of Polk County, Public Safety Answering Point, Osceola, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.
- 911-023.51 In the Matter of Dixon County, Public Safety Answering Point, Ponca, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.60 In the Matter of Rock County, Public Safety Answering Point, Bassett, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.
- 911-023.62 In the Matter of Thurston County, Public Safety Answering Point, Pender, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.
- 911-023.66 In the Matter of Frontier County, Curtis, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.80 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 Anne Boyle, seconded by Commissioner Tim Schram, to enter orders approving funding requests in applications 911-023.40, in full and 911-023.60, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.40 In the Matter of Boone County, Albion, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.60 In the Matter of Rock County, Public Safety Answering Point, Bassett, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.28 In the Matter of the Clay County, Public Safety Answering Point, Edgar, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order setting a hearing for January 12, 2010 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.36 In the Matter of the City of Lincoln/Lancaster County, Public Safety Answering Point, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order setting a hearing for January 12, 2010 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-023.78 In the Matter of Garden County, Public Safety Answering Point, Oshkosh, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order setting a hearing for January 12, 2010 at 1:30 p.m. in the Commission Hearing Room, Lincoln, and video conference at the Panhandle Research and Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff. Commissioner Jerry Vap was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-24.31 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: Nebraska Department of Natural Resources. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting access. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the Universal Service Fund mechanism established in NUSF-26: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order authorizing high-cost payments. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap 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 the local Town Hall Meetings held during the previous week, an order entered by the Hearing Officer on November 12, 2009, Extending Deadline for Response to Motion to Strike to November 16, 2009, an order entered November 16, 2009, Denying Motion to Strike and Granting Motion for Leave to Submit, and an order entered November 23, 2009, setting a Prehearing Conference for December 1, 2009, at 3:00 p.m. in the Commission Hearing Room, Lincoln. Parties wishing to participate via telephone should dial 402-472-6296.

P-0013.23 In the Matter of Metropolitan Utilities District of Omaha, Omaha, providing notice required by *Neb. Rev. Stat.* Section 66-1863, that it intends to extend or enlarge its service area or extend a gas main (GCM 100060000540): Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

The Commission scheduled a public workshop for NorthWestern Energy representatives to present recent developments and the company's perspective on current energy issues on December 1, 2009, at 1:00 p.m. in the Commission Hearing Room.

NATURAL GAS DEPARTMENT (Cont.)

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

FC-1327 In the Matter of the Formal Complaint of the Nebraska
HS-0033 Public Advocate, seeking a determination that Kinder
Morgan, Inc. and/or its successor in interest, SourceGas
Distribution, LLC improperly implemented, billed and re-
ceived 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-006 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-005 Colorado, seeking approval of a general rate increase.
HS-006 Commissioner Rod Johnson presiding as Hearing Officer.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Reg #172 to amend Title 291, Chapter 5, Telecommunications Rules and
Regulations, to add rules regarding customer billing prac-
tices. Commissioner Frank Landis presiding as Hearing Officer:
Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim
Schram, to enter an order issuing a Certificate of Adoption for the
third set of proposed rules. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Com-
missioner Jerry Vap excused not voting.

LEGISLATIVE REPORT

The Commission was provided the final results of the
Special Session held by the Legislature.

TRANSPORTATION DEPARTMENT

B-1744 In the Matter of Valor Transportation Company, Omaha, seeking authority to acquire, through transfer, the certificate held by Safeway Transportation, LLC, in Certificate B-1684: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application and revoking Certificate B-1684. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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 Tariff 22 fuel surcharge to \$3.04 per truck per trip.

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 Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

AS Risk Management	\$	908.76
Sprint		68,370.41
Maurice Gene Hand		1,112.06
Anne Boyle		1,112.17
Frank Landis		179.85
Rod Johnson		741.40

The following payments were made between November 10, 2009 and November 23, 2009 and should be ratified:

AS Services-OCIO	\$	522.63
AS Services-Office Supplies		674.65
Data Source Media		539.55

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

B Hear Inc		4,875.00
Beltone		2,952.45
Sherard Hearing Aid Center		1,794.33
Weitbrecht Communications		4,835.70
Associated Hearing Health Care		2,292.72
Grand Island Hearing Aid Center		208.00
Harris Communications		312.35
Hearing Aid Center of Columbus		199.00

GENERAL ADMINISTRATION (Cont.)

Carl A. Johnson Jr.	\$	802.25
Johnson Hearing Aid Service		139.97
Professional Hearing Aid Services		679.80
Sprint		149.99
Teltex Inc		1,219.78
U-Save Pharmacy & Medical Supply		175.95
Western ENT Associates		163.00
White's Hearing Aid Specialists		384.90

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. The Commission entered into closed session at 10:30 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. The Commission returned to open session at 10:38 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to upgrade Christopher Lenz and Clayton Swantek from probationary to permanent status. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

The meeting adjourned at 10:42 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram present and Gerald Vap excused. The next regularly scheduled meeting will be held on December 1, 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 30, 2009.

Chair man

Executive Director