

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. Chairman Landis announced that there would be no Commission meeting the week of December 28, 2009.

GENERAL ADMINISTRATION

Notice was duly published December 15, 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 December 22, 2009 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving applications C-4221, C-4222 and C-4226. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4221 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a toll free service Jointly Provided Switched Access (JPSA) Amendment with Neutral Tandem, Inc., Chicago, Illinois.

C-4222 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an Interconnection Agreement with Houlton Enterprises, Inc. d/b/a Guaranteed Phone Service, Council Bluffs, Iowa.

C-4226 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, Collocation and Resale Agreement with Kentucky Data Link, Inc., Evansville, Indiana.

FCC 99-200 The Federal Communications Commission's (FCC) Wireline Competition Bureau is seeking input on a petition filed by the Regulatory Commission of Alaska that seeks authority to implement mandatory thousands-block number pooling in the "907" area code in an effort to conserve numbers. Comments will be accepted until January 4, 2010, with a reply comment deadline of January 11, 2010: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve filing comments supporting the petition. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

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. Gene Hand informed the Commission that
a Hearing Officer's Order was entered December 18, 2009, rescheduling
the time of the January 6, 2010, hearing from 9:30 a.m. to 1:30 p.m. and
continuing on January 7, 2010 at 9:30 a.m. if necessary.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/ In the Matter of the Nebraska Public Service Commission, on
PI-118 its own motion, to implement provisions of LB 1222 [2006] and
to establish a permanent funding mechanism for wireless
enhanced 911 service. Commissioner Anne Boyle presiding as Hearing
Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner
Tim Schram, to enter a Nunc Pro Tunc Order, correcting the hearing date
in the December 15, 2009 order to February 1, 2010. Motion passed with
Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting
AYE, and Commissioner Anne Boyle excused not voting.

Sue Vanicek informed the Commission that the next Wireless E-
911 Advisory Board Meeting is scheduled for January 11, 2010 at 10:00
a.m. in the Commission Hearing Room, Lincoln.

NUSF-1, In the Matter of the Nebraska Public Service Commission, on
P.O.#7 its own motion, seeking to establish guidelines for admin-
istration of the Nebraska Universal Service Fund. Orbitcom,
Inc.: Sue Vanicek discussed the deviation of remittance audit procedure
language. Motion made by Commissioner Tim Schram, seconded by Commis-
sioner Jerry Vap, to accept the third-party audit as submitted. Motion
passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and
Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-74/ In the Matter of the Public Service Commission, on its own
C-4145/ motion, seeking to conduct an investigation on intrastate
PI-147 switched access charge policies and regulations, codified in
Neb. Rev. Stat. Section 86-140: This matter was addressed
during the Communication's Department agenda. Gene Hand informed the
Commission that a Hearing Officer's Order was entered December 18, 2009,
to reschedule the time of the January 6, 2010, hearing from 9:30 a.m. to
1:30 p.m. and continuing until January 7, 2010 at 9:30 a.m. if neces-
sary.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the NUSF late-filed remittance worksheets: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to levy a late-fee against inContact, Inc., dba UCN, Inc. and that Complaints be filed against Aero Communications, Inc. and Paetec Communications, Inc. 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

P-0013.25 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 (GRM 100060000580; GCM 100052000463; GSC 100076001100): Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order closing the docket. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

RULES AND REGULATION

Rule and Regulation to amend Title 291, Chapter 1, Rules of Commission Procedure, #161 In the Matter of the Commission, on its own motion, seeking to rewrite a substantial portion of the rules; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order releasing the fourth set of rules and seeking public comment. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT

B-1720 In the Matter of Phoenix Counseling, Inc., dba Phoenix Transportation Services, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service between points in Douglas, Cass, Sarpy and Washington counties and between points in said counties. HHS Designation: Yes. RESTRICTION: The transportation of railroad crews and their baggage is not authorized: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order denying the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1725 In the Matter of Dial-A-Ride Transport Services, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by vans in the state of Nebraska over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1727 In the Matter of Confidential Transportation, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of individuals having a primary diagnosis of mental illness, between mental health clinics located in Douglas County, on the one hand, and, on the other hand, points located within Douglas County. HHS Designation: Yes: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle 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 increased to \$.62 per mile, and the Tariff 22 fuel surcharge to \$2.65 per truck per trip.

Commissioner Rod Johnson left the Commission Hearing Room.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department.

Commissioner Rod Johnson entered the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

GW-1154 In the Matter of Cooperative Producers, Inc., Hastings, seeking a \$50,000.00 deductible on its stock insurance: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, 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.

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.

Office of the CIO	\$	522.39
Rod Johnson		833.80
Gerald Vap		1,034.00

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter into closed session to discuss personnel issues. 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 10:25 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 10:27 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the advance of sick and vacation leave to an employee in the General Administration Department and to allow the carry over to 2010 of earned vacation leave in excess of 280 hours to a Grain Warehouse Department employee. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 10:29 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 January 5, 2010, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 4, 2010.

Chairman

Executive Director