

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, and Tim Schram present and Commissioner Anne Boyle excused. Chairman Vap 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 January 5, 2010 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 12, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, January 12, 2010

11:00 Commission Hearing Room, Lincoln.

NG-0061 Informational Workshop/Planning Conference. In the Matter of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, seeking a General Rate Increase for Black Hills Energy's Rate Areas One, Two and Three (Consolidated). Commissioner Frank Landis presiding as Hearing Officer.

1:30 Commission Hearing Room, Lincoln and Panhandle Research and Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff.

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. Commissioner Rod Johnson presiding as Hearing Officer.

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. Commissioner Jerry Vap presiding as Hearing Officer.

Tuesday, January 19, 2010

911.023.36 Commission Hearing Room, Lincoln. 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. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Commissioner Anne Boyle entered the Commission Hearing Room.

C-4230 In the Matter of the Joint Application of MegaPath, Inc., Costa Mesa, California, DSL.net, Inc. and DSLnet Communications, LLC, Wallingford, Connecticut, seeking approval of a Pro Forma Internal Change of Control of DSLnet Communications, LLC: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4232 In the Matter of the Joint Application of Onvoy, Inc., St. Louis Park, Minnesota; Zayo Group, LLC, and Zayo Group Holdings, Inc., Louisville, Colorado, seeking approval of a Pro Forma change in direct ownership of Onvoy, Inc: Motion made by Commissioner Frank Landis, 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.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund. Gene Hand informed the Commission that \$ 1,054.85 was transferred from the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund (NIEF) on January 8, 2010.

Gene Hand discussed the tariff filed January 4, 2010, by Consolidated Companies, Inc. that eliminates some of the Consolidated Telephone Company exchanges by consolidating them into other exchanges served by the company. The staff was directed to investigate further and report at a future meeting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.01 In the Matter of Sarpy County, Papillion, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order approving amended software maintenance costs. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-041/
PI-158 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate issues associated with Plant CML equipment and maintenance: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order opening the docket and requesting comments, due on February 19, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Vap was appointed as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-1, In the Matter of the Nebraska Public Service Commission, on P.O. #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Network Innovations, Inc. Sue Vanicek discussed the deviation of remittance audit procedure language. Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to accept the third-party audit as submitted. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, seeking a General Rate Increase for Black Hills Energy's Rate Areas One, Two and Three (Consolidated). Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting interventions. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Laura Demman discussed a Protective Order entered by the Hearing Officer on January 12, 2010.

TRANSPORTATION DEPARTMENT

B-1724 In the Matter of Midwest Transport, LLC, Lincoln, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by van in open class service 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 Frank Landis, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1745 In the Matter of Johnny Ingram, dba Wings of Love LLC, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by van in open class service between points in Douglas County. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Mark Breiner advised the Commission that a Hearing Officer's Order was entered January 12, 2010, scheduling a hearing for March 10, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle was appointed as Hearing Officer.

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 increased to \$.68 per mile and Tariff 22 fuel surcharge to \$3.24 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick, seeking a \$25,000.00 deductible on its insurance: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-20 In the Matter of Farmers Union Co-operative Association of Lynch: John Fecht discussed the shortage of corn, soybeans, and oats.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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.

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| AS Materiel-Copy Services | \$ | 1,707.83 |
| University of Nebraska-Business Bureau Research | | 9,424.25 |
| Holiday Inn Express-Norfolk | | 860.00 |
| Kent Pribyl | | 524.70 |
| United State Post Office | | 585.00 |
| Voyager | | 1,562.21 |
| West | | 898.54 |

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Gene Hand and Laura Demman to attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference to be held in Washington, DC from February 12-17, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to cancel the Commission meeting scheduled for February 17, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:25 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 January 20, 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 19, 2010.

Chairman

Executive Director