

Chairman Gerald Vap 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 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 13, 2010 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 20, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

C-4238/ In the Matter of the Nebraska Public Service Commission, on  
PI-157 its own motion, seeking to investigate unfilled agreements  
for Intrastate Switched Access Services at rates other than  
those contained in a carrier's tariff on file with the Commission:  
Motion made by Commissioner Tim Schram, seconded by Commissioner Frank  
Landis, to enter an order opening the docket. Commissioner Frank Landis  
was appointed as Hearing Officer.

C-4240 In the Matter of the Commission, on its own motion, seeking  
to determine the surcharge for the statewide Telecommunica-  
tions Relay System (TRS) to be effective July 1, 2010, in the State of  
Nebraska: Motion made by Commissioner Frank Landis, seconded by Com-  
missioner Rod Johnson, to enter an order opening the docket and setting  
a hearing for March 9, 2010, at 1:30 p.m. in the Commission Hearing  
Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle  
excused not voting. Commissioner Tim Schram was appointed as Hearing  
Officer.

C-4234 In the Matter of the Application of Qwest Corporation,  
Denver, Colorado, seeking a Type 2 Wireless Collocation and  
Dispute Resolution Amendment to the Interconnection Agreement with Veri-  
zon Wireless, Walnut Creek, California, previously approved in Docket  
C-1608: Motion made by Commissioner Tim Schram, seconded by Commis-  
sioner Frank Landis, to enter an order approving the application.  
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.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders granting applications E-2238 and E-2239. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

E-2238        In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Colfax County.

E-2239        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 reported that issues relative to Consolidated Telephone Company's proposed rate center consolidation are being addressed and the proposed tariff was suspended on January 14, 2010, at the company's request.

Gene Hand provided a report on the status of the broadband mapping and planning grant awarded to Nebraska by the National Telecommunications and Information Administration (NTIA) on January 13, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter orders closing the investigation in Docket 911-016/PI-114 and closing the dockets in 911-027, 911-032 and 911-038/PI-142. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-016/  
PI-114        In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate issues associated with implementing landline enhanced 911 in counties with basic landline 911.

911-027        In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish a funding mechanism for general costs associated with the provision of enhanced wireless 911.

911-032        In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate reimbursement of costs from the Enhanced Wireless 911 Fund related to the consolidation of Public Safety Answering Points.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-038/  
PI-142 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the reimbursement of wireless carrier Phase II costs from the Enhanced Wireless 911 Fund.

NUSF-1,  
P.O. #7 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Keystone-Arthur Telephone Company. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the extension request of Keystone-Arthur Telephone to January 29, 2010, for the submission of their 2008 audit that was due December 31, 2009. 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

NG-0013 In the Matter of the Commission, on its own motion, to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter Assessment Order 26. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 Tim Schram, to enter a Planning Conference Order scheduling a docket proceeding timeline and scheduling a hearing for May 24-28, 2010, at 9:00 a.m. CDT in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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: Angela Melton discussed the order entered by the Hearing Officer on January 15, 2010, extending the release date to January 21, 2010, and comment deadline for consultant's report to January 27, 2010.

LEGISLATIVE REPORT

Angela Melton discussed 2010 legislative issues.

TRANSPORTATION DEPARTMENT

MCC-3164 In the Matter of Mark Breiner, Director, Motor Transportation Department, Public Service Commission, vs. Mike's Moving, Omaha: Mark Breiner informed the Commission that a Hearing Officer's order was entered January 20, 2010, continuing the hearing previously scheduled for January 20, 2009, to a date later to be determined.

Mark Breiner discussed a request for proposal placed by Health and Human Services for a brokerage service for non-emergency medical transportation.

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 retained at \$.68 cents per mile and Tariff 22 was increased to \$3.28 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1136 In the Matter of Central Valley Ag Cooperative, Nonstock, St. Edward, seeking a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order cancelling the license in Docket GD-2931 and granting the application in Docket GD-2957. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GD-2931 In the Matter of 21C Foods LLP, Inland, seeking to cancel its Grain Dealer License.

GD-2957 In the Matter of Rovey Specialty Grains, LLC, Farmersville, IL, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2010.

GD-2952 In the Matter of Ag Exchange, LLC, Fort Collins, Colorado, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2010: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2955 In the Matter of SK Food International Inc., Fargo, North Dakota, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2010: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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 Rod Johnson, seconded by Commissioner Frank Landis, 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.

Attorney General	\$	2,722.00
AS Materiel-Office Supplies		644.07
Birch, Horton, Bittner & Cherot		2,353.84
Sprint		79,716.76

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Associated Hearing Health Care	415.25
B Hear Inc.	791.00
Beltone	180.90
Glassman's Hearing Aid Service	566.68
Carl A. Johnson Jr.	212.45
League of Human Dignity	683.85
Professional Hearing Aid Services	789.70
Sherard Hearing Aid Services	372.95
Sprint	199.98
Talk To Me Technologies	713.00
Teltex Inc.	620.87
U-Save Pharmacy	1,730.50
Weitbrecht Communications	7,510.05
Weitbrecht Communications	383.15

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the purchase of ten personal computers and one monitor. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Tim Sandusky to travel to and attend the Federal Railroad Administration (FRA) Track Recurrency 2010 training to be held in West Des Moines, Iowa, from May 3 through 7, 2010, with all expenses to be paid by the FRA. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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 10:33 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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 10:35 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the advance of sick leave to an employee in the NTIPS Department. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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

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The meeting adjourned at 10:38 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 26, 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 25, 2010.

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Chairman

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Executive Director