

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. 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 20, 2010 on Page 10 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 26, 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 26, 2010

1:30 Commission Hearing Room, Lincoln.
C-4165 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and determine whether it is appropriate for telecommunications companies to assess intrastate transit charges on Extended Area Service Traffic. Commissioner Jerry Vap presiding as Hearing Officer.

Wednesday and Thursday, January 27-28, 2010 (if needed)

10:00 Commission Hearing Room, Lincoln.
C-4165 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and determine whether it is appropriate for telecommunications companies to assess intrastate transit charges on Extended Area Service Traffic. Commissioner Jerry Vap presiding as Hearing Officer.

Monday, February 1, 2010

911-019/
PI-118 Commission Hearing Room, Lincoln. In the Matter of the
9:00 Nebraska Public Service Commission, on 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.

COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting an extension. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4228 In the Matter of the Application of NextGen Communications, Inc. d/b/a Maryland TeleCommunication Systems, Inc., Annapolis, Maryland, seeking authority to operate as a local exchange carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand provided a report on the status of the Broadband Mapping/Planning Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

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 Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1, In the Matter of the Nebraska Public Service Commission, P.O. #7 on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service fund: Glenwood Telecommunications. Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the extension request of Glenwood Telecommunications to January 29, 2010, for the submission of their carrier remittance worksheet audit that was due December 31, 2009. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-77 In the Matter of the Petition of the Nebraska Telecommunications Association, Lincoln, for investigation and review of processes and procedures of the Nebraska Universal Service Fund. Commissioner Frank Landis was appointed as Hearing Officer. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order opening an investigation and scheduling a planning conference for March 8, 2010 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Those parties wishing to participate via telephone should call 402-472-6292.

Sue Vanicek discussed the Late-Filed NUSF Worksheets: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve opening a complaint against inContact, Inc. dba UCN, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek advised the Commission that the next Wireless E-911 Advisory Board Meeting is scheduled for March 15, 2010 in the Commission Hearing Room, Lincoln at 10:00 a.m. CDT.

NATURAL GAS DEPARTMENT

NG-0057 In the Matter of gas supply cost adjustment schedules im-
HS-001 plemented by SourceGas Distribution LLC, Lakewood, Colo-
 rado, pursuant to *Neb. Rev. Stat. sec. 66-1854*. Commis-
sioner Vap presiding as Hearing Officer: Motion made by Commissioner
Rod Johnson, seconded by Commissioner Frank Landis, to enter an order
granting Informal Intervention. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
Laura Demman discussed the order entered by the Hearing Officer on
January 20, 2010, scheduling a Prehearing Conference for February 2,
2010, at 1:30 p.m. CST in the Commission Hearing Room, Lincoln. Those
parties wishing to participate via telephone should call 888-866-4213.

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 Offi-
cer: Motion made by Commissioner Frank Landis, seconded by Commis-
sioner Tim Schram, to enter Assessment Order No. HS-001. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Angela Melton discussed 2010 legislative issues.

TRANSPORTATION DEPARTMENT

B-1732 In the Matter of Midwest Transport, LLC, dba MWT, Lincoln,
 seeking authority as a contract carrier in the transporta-
tion of clients of Zone Care USA by van in open class service between
points in Lancaster County over irregular routes. HHS Designation:
Yes. RESTRICTION: The transportation of railroad train crews and
their baggage is not authorized: Motion made by Commissioner Frank
Landis, seconded by Commissioner Rod Johnson, to enter an order deny-
ing the application. Motion passed with Commissioners Anne Boyle,
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

PI-159 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking an investigation into the necessity of Public Service certification for contractors with Division of Children and Family Services for the Child Welfare and Juvenile Services System Program: Commissioner Tim Schram was appointed as Hearing Officer: Mark Breiner advised the Commission that a Hearing Officer's order was entered January 26, 2010, opening the docket and scheduling a workshop for February 2, 2010, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

M-14206 In the Matter of James Dunbar, Jr., dba Little Nate's Moving, Omaha, seeking authority as a common carrier in the transportation of household goods within the state of Nebraska over irregular routes. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to schedule the hearing previously set for a date later to be determined to February 24, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

TR-174 In the Matter of E & M Yellow Cab, North Platte, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, 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 voting NAY.

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 per mile and the Tariff 22 fuel surcharge decreased to \$3.18 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2941 In the Matter of Kansas Organic Producers Association, Goff, KS, 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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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.

GIS Workshop	\$	18,000.00
Rod Johnson		1,082.87
Gerald Vap		1,222.90

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Don Gray to travel to and attend a meeting of the North American Numbering Council to be held in Washington, DC, on February 17-18, 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 Tim Schram, to enter into closed session to discuss litigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:27 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:40 a.m.

The meeting adjourned at 10:41 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 February 2, 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 February 1, 2010.

Chairman

Executive Director