

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 February 16, 2010 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 23, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, February 24, 2010

M-14206 Commission Hearing Room, Lincoln. In the Matter of James
10:00 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.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders granting applications AD-494r and AD-495r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-494r In the Matter of the Application of Array Services Group, Inc., Sartell, Minnesota, seeking authority to register the connection of an automatic dialing-announcing device.

AD-495r In the Matter of the Application of Broadnet Teleservices, LLC, Highlands Ranch, Colorado, seeking authority to register the connection of an automatic dialing-announcing device in Las Vegas, Nevada.

C-4231/ In the Matter of the Commission, on its own motion, seeking
PI-156 comment on the request by United Way of the Midlands to be assigned the use of "211" in Gage, Otoe, Johnson, Blaine, Sherman, Valley, Red Willow, Hitchcock, Dundy, Chase, Hayes and Western Frontier Counties, for access to First Call for Help (FCFH), a comprehensive information and referral service: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4242 In the Matter of the Application of 3U Telecom Inc., Henderson, Nevada, seeking approval of a name change to Telecom North America Inc., d/b/a Telna Inc: 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, Tim Schram and Jerry Vap voting AYE.

C-4250/ In the Matter of the Commission, on its own motion, seeking
PI-161 comment on the request by United Way of the Midlands to be assigned the use of "211" in Custer, Pawnee, Banner, Kimball and Morrill Counties, for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order opening a docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter orders approving Applications C-4241 and C-4243. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4241 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an Omaha Forbearance Order Amendment to the Interconnection Agreement with New Edge Networks, Vancouver, Washington, previously approved in Docket C-2799.

C-4243 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a Negotiated Wireline Interconnection Agreement with Windstream of the Midwest, Inc., Little Rock, Arkansas.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order cancelling Application E-2239 in part and granting Application E-2241. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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.

E-2241 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

COMMUNICATIONS DEPARTMENT (Cont.)

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 \$84.56 was transferred out of the Competitive Marketplace Fund to the Nebraska Internet Enhancement Fund(NIEF)on February 12, 2010.

C-4165/ In the Matter of the Nebraska Public Service Commission, PI-150 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: Gene Hand informed the Commission that a Hearing Officer's Order was entered February 18, 2010, setting deadlines for post-hearing submissions for April 2, 2010.

C-4238/ In the Matter of the Nebraska Public Service Commission, on PI-157 its own motion, seeking to investigate unfiled agreements for Intrastate Switched Access Services at rates other than those contained in a carrier's tariff on file with the Commission. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission a data request was mailed February 22, 2010.

Gene Hand discussed the Broadband Mapping/Planning Grant.

Gene Hand reported on the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference Committee Meetings held in Washington, D.C. from February 12-17, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/ In the Matter of the Commission, on its own motion, seeking PI-118 to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order adopting the cost model. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. A workshop was scheduled for 1:00 p.m. on March 17, 2010 in the Commission Hearing Room, Lincoln; Nebraska State Office Building, Room 207, 1313 Farnam on the Mall; Grand Island Public Library, 211 North Washington Street, Grand Island; Kearney Public Library, 2020 1st Avenue., Kearney; McMillen Hall, Room 208, 1205 East 3rd Street., McCook; Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk; Panhandle Research & Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff; and Cherry County Extension Office, 132 South Hall Street, Valentine.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.02 In the Matter of Douglas County, Public Safety Answering Point, Omaha, 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 an order approving funding request. 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 Rod Johnson, to enter orders granting funding requests for Dockets 911-023.28 and 911-023.36 in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.28 In the Matter of Clay County, Public Safety Answering Point, Clay Center, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.36 In the Matter of City of Lincoln/Lancaster County, Public Service 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 Frank Landis, to enter orders approving access requests in Dockets 911-024.34 and 911-024.35. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-024.34 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: CSU Chico.

911-024.35 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: Douglas County.

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: Sue Vanicek discussed the total amount of Ztar Mobile's revenues. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, granting that the yearly NUSF Remittance audit requirement be waived. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-32.09 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of Telephone Systems of Nebraska to comply with Commission Rules or Orders and to impose administrative fine: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order initiating Show Cause and scheduling a hearing for March 16, 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, Tim Schram and Jerry Vap voting AYE.

NUSF-37.204 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Paetec Communications, Inc.: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order dismissing the Complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

S-08-1109 TracFone Wireless, Inc., Appellant v. Nebraska Public Service Commission, Appellee: Sue Vanicek discussed the Supreme Court's decision to affirm the Commission in this appeal.

NATURAL GAS DEPARTMENT

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company,
HS-002 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 Assessment Order HS-002. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0057 In the Matter of gas supply cost adjustment schedules implemented by SourceGas Distribution LLC, Lakewood, Colorado pursuant to *Neb. Rev. Stat. sec. 66-1854*. Commissioner Vap presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on February 10, 2010, continuing the hearing from February 10, 2010, to March 8, 2010, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

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 an order entered by the Hearing Officer on February 16, 2010, modifying the Procedural Schedule extending the final order release date to March 9, 2010.

NATURAL GAS DEPARTMENT (Cont.)

Laura Demman reported on the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference held in Washington, D.C. from February 12-17, 2010.

LEGISLATIVE REPORT

Angela Melton discussed 2010 legislative issues.

TRANSPORTATION DEPARTMENT

B-1372 In the Matter of Sandhills Limos, Inc., Ord, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1372 until February 15, 2011: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order suspending the authority until February 15, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1728 In the Matter of Central Limousine, LLC, Grand Island: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order revoking the authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14133 In the Matter of Donald Henery Moving, Fremont: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order revoking the authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14206 In the Matter of Little Nate's Moving, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods within the state of Nebraska over irregular routes: Mark Breiner advised the Commission that a Hearing Officer's Order was entered February 23, 2010, denying continuance of the hearing scheduled for February 24, 2010.

M-14210 In the Matter of Umbrella House, Inc., dba Action Movers, Omaha, seeking to acquire, through transfer, the authority granted to Bryan E. Slotter, dba Bryan's Team Moving, in Certificate M-14140: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order sustaining complaints MCC-3168 and MCC-3171. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MCC-3168 In the Matter of Mark Breiner, Director, Motor Transportation Department, vs. Central Limousine, LLC, Grand Island.

MCC-3171 In the Matter of Mark Breiner, Director, Motor Transportation Department, vs. Central Limousine, LLC, Grand Island.

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 \$.66 per mile and the Tariff 22 fuel surcharge to \$3.04 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-22 In the Matter of Ag Valley Cooperative, Non-Stock, Edison: John Fecht discussed the shortage of oil sunflowers.

GW-537 In the Matter of Cooperative Supply, Inc., Dodge, seeking a measure-up of grain at its facilities with fees to be assessed: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to grant the request. 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 authorize Laura Demman to travel to and attend the Advancements in Alternative Regulation for Electric and Gas Utilities workshop to be held in Cambridge, Massachusetts, from March 14-16, 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 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, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

The Cornhusker Marriott Hotel	\$	410.00
Electric Utility Consultants Inc.		1,195.00
Sprint		67,324.60
Laura Demman		514.57
Donald Gray		875.27
Maurice Gene Hand		1,492.39
Anne Boyle		1,320.67
Tim Schram		1,261.25
Gerald Vap		2,297.65

The following invoices were paid between February 10, and February 22, 2010 and should be ratified

Harding Schultz	\$	10,630.58
United States Post office		836.53
Mark Luttich		758.24

The meeting adjourned at 10:50 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 March 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 March 1, 2010.

Chairman

Executive Director