

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 March 10, 2010 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 16, 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, March 16, 2010

NUSF-32.09 Commission Hearing Room, Lincoln. In the Matter of the  
1:30 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 fines. Commissioner Rod Johnson presiding as Hearing Officer.

#### Wednesday, March 17, 2010

NG-0057 Niobrara Conference Room, Lincoln. Technical Conference.  
10:00 Call in number 402-472-6296. In the Matter of gas supply cost adjustment schedules implemented by Source-Gas Distribution LLC, Lakewood, Colorado, pursuant to Neb. Rev. Stat. sec. 66-1854. Commissioner Jerry Vap presiding as Hearing Officer.

911-019/  
PI-118 Workshop. Commission Hearing Room, Lincoln, with video  
1:00 sites at Nebraska State Office Building, Room 207, 1313 Farnam on the Mall, Omaha; Grand Island Public Library, 211 North Washington Street, Grand Island; Kearney Public Library, 2020 1<sup>st</sup> Avenue, Kearney; McMillen Hall, Room 208, 1205 East 3<sup>rd</sup> 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. In the Matter of the Commission, on its own motion, seeking to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service.

COMMUNICATIONS DEPARTMENT

C-4249 In the Matter of the Joint Application of DeltaCom, Inc. and Business Telecom, Inc., Huntsville, Alabama, seeking approval of Guarantee of Indebtedness: Motion made by Commissioner Tim Schram, 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.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders granting applications E-2243 and E-2244. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

E-2243 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Boone County.

E-2244 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Boone County.

C-4233 In the Matter of Hamilton Telephone Company, Aurora, Local Rate Increase: Gene Hand informed the Commission that as of March 11, 2010, the number of petition signatures necessary to initiate a review of the proposed rate increase was not met, therefore Hamilton was notified by letter on March 12, 2010, to implement the rate increase as proposed.

Gene Hand discussed Google Inc.'s Request for Information whereby Google is searching for communities to participate in an experiment to make Internet access at 1 gigabit available to 50,000 to 500,000 people. Responses to the RFI are due to Google by March 26, 2010.

Gene Hand provided the Commission with a Federal Communication Commission Executive Summary of the National Broadband Plan released March 16, 2010.

Gene Hand updated the Commission on the Broadband Mapping Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders granting access to the repository in Applications 911-024.36 and 911-024.37. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-024.36 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: City of Lincoln 911 Emergency Communications.

911-024.37 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: City of Lincoln/Lancaster County.

C-1628/ In the Matter of the Commission, on its own motion, seeking to conduct an investigation into intrastate access  
NUSF charge reform and intrastate universal service fund: Motion  
PO #28 made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the petition by Windstream Nebraska, Inc. to change their EARN FORM election. 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 Frank Landis, to enter orders dismissing Complaints NUSF-37.182 and NUSF-37.187 and canceling the Show Cause Hearing previously scheduled for April 20, 2010. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
182 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Broadview Networks, Inc., Respondent.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
187 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Cozad Telephone Company, Respondent.

NUSF-77 In the Matter of the Petition of Nebraska Telecommunications Association for Investigation and Review of Processes and Procedures Regarding the NUSF. Commissioner Landis presiding as Hearing Officer: Sue Vanicek discussed two Hearing Officer orders entered March 10, 2010 admitting a non-resident attorney, setting a procedural schedule and scheduling a workshop for June 24, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter Assessment Orders in Dockets NG-0057, NG-0060 and NG-0061. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

NG-0057      In the Matter of gas supply cost adjustment schedules  
GDS-0010      implemented by SourceGas Distribution LLC, Lakewood,  
Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*.  
Commissioner Vap presiding as Hearing Officer.

NG-0060      In the Matter of SourceGas Distribution LLC, Lakewood,  
GDS-006      Colorado, seeking approval of a general rate increase.  
Commissioner Rod Johnson presiding as Hearing Officer.

NG-0061      In the Matter of Black Hills/Nebraska Gas Utility Company,  
GDS-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 pre-  
siding as Hearing Officer.

FC-1327      In the Matter of the Formal Complaint of the Nebraska  
Public Advocate seeking a determination that Kinder Morgan,  
Inc. and/or its successor in interest, SourceGas Distribution, LLC  
improperly implemented, billed and received payment for interim and  
final rates in NG-0036 for which customers are entitled to a credit or  
refund from Kinder Morgan, Inc. and/or SourceGas Distribution, LLC.  
Commissioner Vap presiding as Hearing Officer: Angela Melton discussed  
the appeal conclusion: Affirmed in Part, and in Part Reversed and  
Remanded with Directions.

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 an order entered by the Hearing Officer on March 15, 2010,  
scheduling a Compliance Conference for March 18, 2010, at 10:00 a.m.  
in the Niobrara Conference Room, Lincoln. Parties wishing to partici-  
pate via telephone should dial 888-820-1398, access code 7904717#.

LEGISLATIVE REPORT

Angela Melton discussed 2010 legislative issues.

TRANSPORTATION DEPARTMENT

B-1617 In the Matter of Spencer M. Fentress, dba Fairbury Taxi, Fairbury: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order revoking the authority. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Anne Boyle excused not voting.

B-1743 In the Matter of Terry L. Blakey Enterprises, LLC, Omaha. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order suspending the authority until 09-01-10. 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 decreased to \$.68 per mile and Tariff 22 fuel surcharge to \$3.36 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department. He also discussed the San Juan County, Utah modular inspection agreement; modular and recreational vehicle regulation revisions; and Building Safety Month Proclamation.

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.

AS Materiel - Printing	\$	667.68
APEX CoVantage, LLC		260,973.00
Birch, Horton, Bittner & Cherot		73.50
GIS Workshop		20,625.00

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Audiology Services & HAC		238.40
B Hear Inc.		4,127.40
Beltone		1,892.15
Glassman's Hearing Aid Service		119.90
Hamilton Telecommunications		339.80

GENERAL ADMINISTRATION (Cont.)

Harris Communications	\$	683.80
Johnson Hearing Aid Service, Inc.		159.38
Talk to Me Technologies		500.00
Teltex, Inc.		1,982.02
Weitbrecht Communications		959.10
Western EMT Associates PC		175.00
White's Hearing Aid Specialists		844.00

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve Commission meeting and deliberation dates for the remainder of calendar year 2010. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner meeting dates are Tuesday at 10:00 a.m. unless otherwise noted. Upcoming meeting dates are as follows:

April 6, 13, 20 and 27  
May 4, 12 (Wednesday), 18 and 25 (9:00 a.m.)  
June 2 (Wednesday), 8, 15, 22 and 29  
July 13 and 27  
August 3, 10, 17, 24 and 31  
September 8 (Wednesday), 14, 21 and 28  
October 5, 13 (Wednesday), 19 and 26  
November 3 (Wednesday), 9 and 22 (Monday)  
December 7, 14 and 21

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to purchase two personal computers and one printer. 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 Frank Landis, to approve the Executive Director's recommendation to approve a response to the Office of the CIO, Nebraska GIS Council, regarding the sharing of GIS data. 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 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 10:47 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, 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 10:56 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the extension of the furlough plan to September 30, 2010 for the Housing and Recreational Vehicle Department. 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 11:00 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 March 23, 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 22, 2010.

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Chairman

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Executive Director