

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 April 13, 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 April 20, 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, April 20, 2010

NUSF-37. Commission Hearing Room, Lincoln. In the Matter of Sue Vanicek, Director of the Nebraska Universal Service Fund  
192 Department of the Nebraska Public Service Commission,  
1:30 Complainant, v. Network US d/b/a CA Affinity, Respondent.  
Commissioner Tim Schram presiding as Hearing Officer.

#### Wednesday, April 21, 2010

2:00 Commission Hearing Room, Lincoln with video link to the Media Center, Wahoo School District, 2201 North Locust, Wahoo. NUSF Advisory Board meeting.

#### COMMUNICATIONS DEPARTMENT

C-4145/ In the Matter of the Nebraska Public Service Commission, on  
NUSF-74 its own motion, to conduct an investigation on intrastate  
switched access charge policies and regulation codified in  
Neb. Rev. Stat. Section 86-140. Commissioner Frank Landis presiding  
as Hearing Officer: Motion made by Commissioner Frank Landis, second-  
ed by Commissioner Anne Boyle, to enter an order outlining the proce-  
dures, requirements and findings of the investigation. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram  
and Jerry Vap voting AYE.

C-4254/ In the Matter of the Commission, on its own motion, seeking  
PI-163 comment on the request by United Way of the Midlands to be  
assigned the use of "211" in Nemaha County, for access to  
First Call for Help (FCFH), a comprehensive information and referral  
service: Motion made by Commissioner Frank Landis, seconded by Com-  
missioner 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.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders approving applications C-4224 and C-4256. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4224 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a wireline interconnection agreement with Intrado Communications, Inc., Longmont, Colorado.

C-4256 In the Matter of the Application of Nebraska Central Telephone Company, Gibbon, seeking approval of a Traffic Exchange Agreement with Verizon Wireless, Alpharetta, Georgia.

E-2248 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: 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 discussed the Speed Test which can be accessed directly from the Public Service Commission's home page. Mr. Hand also discussed the April 30<sup>th</sup> report due to the National Telecommunications and Information Administration (NTIA) and the May 14<sup>th</sup> date by which the initial broadband mapping data set must be submitted to the NTIA.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders 911-023.04 and 911-023.20 approving funding for maintenance. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.04 In the Matter of Custer County, Broken Bow, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.20 In the Matter of Furnas County, Public Safety Answering Point, Beaver City, seeking funding approval for recurring and non-recurring costs of enhanced Wireless 911 implementation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.25 In the Matter of Lincoln County, Public Service Answering Point, North Platte, 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 an order amending the caption and clarifying past orders. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.25 In the Matter of North Platte Police Department, Public Service Answering Point, North Platte, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the funding request in part. 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 an order approving funding for maintenance in application 911-023.27 and an order approving funding in application 911-023.66. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.27 In the Matter of Platte County, Public Service Answering Point, Columbus, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.

911-23.66 In the Matter of Frontier County, Public Service Answering Point, Curtis, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation.

Sue Vanicek discussed the 911-SAM Update Policy. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the 911-SAM Update Policy. 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, on P.O. #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Granite Telecommunications. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to grant Granite Telecommunications' request for a second extension until July 30, 2010, to complete the NUSF Worksheet audit due December 31, 2009. 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-4 In the Matter of the Commission, on its own motion, seeking P.O. #15 to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act, beginning July 1, 1999: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for May 18, 2010 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-74/ In the Matter of the Nebraska Public Service Commission, on C-4145 its own motion, to conduct an investigation on intrastate switched access charge policies and regulation codified in Neb. Rev. Stat. section 86-140: Sue Vanicek discussed the order that was entered on the Communication's Department agenda.

Sue Vanicek informed the Commission that a video-conference link has been established between the Commission Hearing Room, Lincoln and the Media Center, Wahoo School District, 2201 North Locust, for the NUSF Advisory Board Meeting scheduled for April 21, 2010.

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 Progression Order 27. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0057.1 In the Matter of 2010 gas supply cost adjustment schedules filed by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to Neb. Rev. Stat. sec. 66-1854. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter a Notice of Assessment Order. 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 Assessment Orders in Dockets NG-0007.6/PI-151 and NG-0061. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

NG-0007.6/ In the Matter of Black Hills Energy, Omaha, seeking to  
PI-151 amend the Black Hills Energy Tariff with the Third Revised  
Hs-008 Tariff Sheet Index No. 8, to provide for an Annual Retail  
Service Credit, pursuant to *Neb. Rev. Stat. sec. 66-1808*.  
Commissioner Tim Schram presiding as Hearing Officer.

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company,  
HS-005 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.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 1, Rules of Commission Proce-  
#161 dure, to rewrite a substantial portion of the rules; cor-  
rect technical errors, grammar, punctuation, spelling,  
sequential numbering and the like; and reprint the chapter in its  
entirety. Commissioner Frank Landis presiding as Hearing Officer:  
Motion made by Commissioner Frank Landis, seconded by Commissioner Tim  
Schram, to enter an order releasing the fifth set of rules; seeking  
public comment; and scheduling a hearing for June 15, 2010 at 1:30 p.m.  
in the Commission Hearing Room, Lincoln. Motion passed with Commis-  
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap  
voting AYE.

LEGISLATIVE REPORT

Angela Melton reviewed and summarized 2010 legislation of  
interest to the Commission that was enacted. Mike Hybl reviewed 2010  
legislative interim study resolutions of interest to the Commission.

TRANSPORTATION DEPARTMENT

B-1753 In the Matter of New Cassel, Inc., Omaha, seeking authority  
as a contract carrier in the transportation of passengers  
who are clients of the Franciscan Center, Adult Day Care Program, and  
their baggage in open class service by van between points in Douglas,  
Sarpy, and Washington counties, on the one hand, and, on the other  
hand, points in Nebraska over irregular routes under contract with  
Nebraska Health and Human Services. RESTRICTION: The transportation of  
railroad train crews and their baggage is not authorized. Restricted  
to the transportation of the clients of Franciscan Center, Adult Day  
Care Program. HHS Designation: Yes: Upon agreement of all Commis-  
sioners, the hearing previously scheduled for May 13, 2010, was  
cancelled.

TRANSPORTATION DEPARTMENT (Cont.)

B-1758 In the Matter of Kravek, LLC, dba Aquila Limo Service, Grand Island, seeking to acquire, through transfer, the authority granted to R & F Hobbies, Inc., dba Aquila Limo Service, Ravenna, in Certificate B-1697: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application and revoking Certificate B-1697. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$.78 per mile and the Tariff 22 fuel surcharge at \$3.42 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Housing Director's recommendation to re-instate Carl Rasmussen, TimberCreek Homes (Industry Rep), Craig Lewis, City of Grand Island (Building Official) and Martin Huff, Nebraska Manufactured Home Association (Retailer Rep) and appoint Rod Laucomer (Registered Architect) to the Modular Housing Unit Ad Hoc Committee. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2934 In the Matter of John A. Fecht, Director, Warehouse Department, Nebraska Public Service Commission, Complainant, v. GWC-424 Clark Specialty Grains, LLC, Gothenburg, Respondent: Angela Melton discussed the complaint and stipulation.

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.

GENERAL ADMINISTRATION (Cont.)

Attorney General	\$	2,722.00
AS Central Services-Copy Services		2,023.24
AS Central Services-Office Supplies		654.78
University of Nebraska-BBR		9,424.25
Birch, Horton, Bittner & Cherot		898.34
Dell		688.00
Dell		688.00
Sprint		63,154.03

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing		775.00
Amplified Phone Services		551.31
Beltone		1,282.35
Dynavox Systems		1,000.00
Glassman's Hearing Aid Service		439.01
Grand Island Hearing Aid Center		457.00
Harris Communications		807.15
Hearing Aid Center of Columbus		129.95
Humanware USA Inc.		8,040.00
Greatcall Inc.		134.00
Carl A. Johnson Jr.		1,014.65
Professional Hearing Aid Services		1,193.79
Teltex, Inc.		1,240.65
Weitbrecht Communications		2,262.25
White's Hearing Aid Specialists		154.95

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The meeting adjourned at 10:52 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 April 27, 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 April 26, 2010.

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Chairman

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Executive Director