

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Rod Johnson 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 April 20, 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 April 27, 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:

Monday, May 3, 2010

C-3554/
NUSF-50
2:00 Commission Hearing Room, Lincoln. Workshop. In the Matter of the Commission, on its own motion, seeking to investigate whether the zones established in Docket C-2516 are appropriate in light of NUSF-26 findings and conclusions. Commissioners Jerry Vap and Frank Landis presiding as Hearing Officers.

COMMUNICATIONS DEPARTMENT

C-4225 In the Matter of the Application of tw telecom data services llc, Littleton, Colorado, seeking authority to operate as a local exchange carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders approving applications C-4223 and C-4257. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-4223 In the Matter of the Application of United Telephone Company of the West d/b/a CenturyLink, Overland Park, Kansas, seeking approval of a Resale Agreement with iNetworks Group, Inc., Chicago, Illinois.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4257 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a Collocation Miscellaneous Labor Charges Amendment to Interconnection Agreement with TCG Omaha, New York, New York, previously approved in Docket C-3095.

E-2247 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in York County: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund (NIEF): Gene Hand informed the Commission that \$80.89 was transferred from the Competitive Marketplace Fund to the NIEF fund on April 26, 2010.

Gene Hand reported that the amended Broadband Planning Grant narrative and budget was approved by the National Telecommunications and Information Administration (NTIA). The staff will submit its first quarterly report to NTIA by the end of the week.

Gene Hand discussed the announced proposed acquisition of Qwest by CenturyLink. He provided a report from the Regional Oversight Committee meeting held in Denver April 22 and 23, 2010 where state staff met with both representatives of CenturyLink and Qwest.

Commissioner Rod Johnson entered the Commission Hearing Room.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-046/ In the Matter of the Commission, on its own motion, seeking
PI-167 to investigate costs and options for the statewide maintenance of Geographic Information Systems (GIS) Data necessary for the provision of Enhanced Wireless 911 Service: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order opening the docket and seeking comments due June 18, 2010. 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.)

NUSF-50 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order authorizing payments for high-cost support. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to levy late fees against Unite Private Networks, TeleUno, Inc., Teledias Communications, ST Messaging, Inc., Henderson Cooperative Telephone, Embarq Corporation, nka CenturyLink, and Benkelman Telephone Company. Additionally, complaints to be opened against United Telephone Company of the West, Telenational Communications, Inc., Paetec Communications, Inc., McGraw Communications, Inc., LCR Telecommunications, LLC and Access Point, Inc. 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-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 Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting formal intervention. 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,
GDS-004 LLC, d/b/a Black Hills Energy, Omaha, seeking a General
HS-006 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 Orders GDS-004 and HS-006. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1340 In the Matter of the Formal Complaint of Benjamin Rentals, Trent and Kristin Benjamin, Holdrege, v. SourceGas Distribution LLC, Lakewood, Colorado, alleging failure to timely bill for natural gas service: Angela Melton discussed the Formal Complaint filed April 22, 2010. If a Statement of Satisfaction is not filed, the answer date for SourceGas Distribution LLC will be May 12, 2010. Commissioner Jerry Vap was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1472 In the Matter of Visinet, Inc., Omaha: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting suspension of authority until April 1, 2011. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1554 In the Matter of DJW, Inc., dba Luxury Limousine Service, Syracuse: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the suspension and reinstating 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-1606 In the Matter of National Arbor Day Foundation, Nebraska City, seeking to acquire, through transfer, the authority granted to DW & JW, Inc., dba Luxury Limousine & Trolley Service, in Certificate B-1712, Supplement 1. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Excludes Supplement 2: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting temporary operating authority. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1745 In the Matter of Johnny Ingram, dba Wings of Love, LLC, Omaha, seeking authority as a contract carrier in the transportation of passengers and their baggage by van in open class service between points in Douglas County. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application as amended. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 by van in open class service 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. 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.

TRANSPORTATION DEPARTMENT (Cont.)

B-1754 In the Matter of "The Bus," Plattsmouth, seeking authority as a common carriers in the transportation of passengers by bus in charter and special party between points in Cass, Douglas, Sarpy, Washington, Lancaster, Dodge and Otoe counties and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. 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 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.

B-1759 In the Matter of Branded Enterprises, LLC, dba Nebraska Party Bus, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in York, Seward, Lancaster, Hamilton, Hall, Adams, Clay, Fillmore, Saline, Polk, Butler, Platte, Colfax, Dodge, Saunders, Washington, Douglas, Sarpy, Cass, Otoe, and Dodge counties and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. 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.

Mark Breiner discussed the Omaha taxi inspections that were performed the week of April 19-23.

Rate Division

BR-358 In the Matter of Branded Enterprises, LLC, dba Nebraska Party Bus, Omaha, seeking authority to set 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, Rod Johnson and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 \$4.32 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-1679 In the Matter of Herbert Feed & Grain Co., Verdigre: John Fecht discussed the shortage of oats.

Grain Dealer Division

GD-2171 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, v. B4 Grain, Inc., Kearney, Respondent: GDC-422 Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an order dismissing the complaint and cancelling the hearing previously scheduled for May 4, 2010. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GD-2934 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, v. Clark Specialty Grain, LLC, Gothenburg: GDC-424 Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Commissioner Rod Johnson left the Commission Hearing Room.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

AS Central Services-Network Services	\$	3,939.13
Apex		330,580.88
Latimer Reporting		1,969.50
Gerald Vap		940.00

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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 May 20-21, 2010. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter into closed session to discuss litigation and personnel. The Commission entered into closed session at 10:46 a.m. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

GENERAL ADMINISTRATION (Cont.)

Commissioner Rod Johnson entered the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to return to open session. The Commission returned to open session at 11:07 a.m. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 11:08 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 May 4, 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 May 3, 2010.

Chairman

Executive Director