

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. Chairman Vap announced that there would be no Commission meeting on June 8, 2010.

#### GENERAL ADMINISTRATION

Notice was duly published May 25, 2010 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 2, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in May 2010. She reported there were a total of 76 complaints: 59 - wireline and 17 - wireless. The complaints were categorized as follows: 24 billing, 21 service and 31 miscellaneous issues.

E-2256 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 informed the Commission that the National Telecommunications and Information Administration (NTIA) announced that each State Broadband Data Development (SBDD) grant recipient has been notified that they can amend and supplement their applications to support funding for eligible program activities. All amended or supplemental applications are due to the SBDD Program office by July 1, 2010.

#### TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.82 In the Matter of KBRC, Regional E-911, Keya Paha, Brown, Cherry, and Rock Counties, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order approving the funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-045/ PI-166 In the Matter of the Commission, on its own motion, seeking to investigate the requirements, costs and impact of the implementation of Next Generation 911 in Nebraska relating to the provision of Enhanced Wireless 911 Service: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order opening the docket and seeking comments due July 30, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Jerry Vap was appointed as Hearing Officer.

911-048 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to manage and fund intertandem trunking necessary for the implementation and provision of enhanced wireless 911 service: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order opening the docket and approving funding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1, P.O. #7 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to grant Matrix Telecom's request for a third extension to June 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.

NUSF-4 In the Matter of the Commission, on its own motion, seeking 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 Rod Johnson, to enter an order setting the NUSF surcharge rate for Fiscal Year 2010/2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69, P.O. #5 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order allocating the level of support for the 2010 calendar year. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek informed the Commission that the next Wireless E-911 Advisory Board Meeting is scheduled for August 9, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT

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. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Frank Landis, 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.

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: Laura Demman discussed an order entered by the Hearing Officer on June 1, 2010, continuing the hearing previously scheduled for June 2, 2010, at 1:30 p.m. to a date later to be determined. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order approving the Stipulation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Laura Demman reported a total number of 24 consumer complaints and inquiries received during May. For each company: Black Hills - 3; SourceGas - 17; NorthWestern - 1; and Other Entities - 3.

TRANSPORTATION DEPARTMENT

B-1756 In the Matter of Friendship Program, Inc., Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers who are clientele of the Friendship Program, Inc. by van in open class service between points in Douglas, Sarpy, Cass, Washington, and Saunders Counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: Transportation of the clientele of Friendship Program, Inc. only. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. 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.

B-1758 In the Matter of Kravek, LLC, dba Aquila Limo Service, Supp. 1 Grand Island, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by limousine service between points in Sherman, Buffalo, Custer, Garfield, Hall, Howard, Loup, Blaine, Valley, Greeley, Hamilton, Kearney, Phelps, Adams, Webster, Clay, Chase, Dundy, Hayes, Hitchcock, Frontier, Red Willow, Furnas, Gosper, Dawson, Harlan, Franklin, Nuckolls, Boone, Nance, and Merrick counties, and between points within said counties, on the one hand, on the other

TRANSPORTATION DEPARTMENT (Cont.)

hand, points in Nebraska over irregular routes. (The existing authority language for B-1758, including A, B, and C to be repealed). Transportation in sedan, van and SUV style luxury limousine vehicles is authorized. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: 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.

B-1762 In the Matter of Divine Destinations, LLC, Wayne, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine in Antelope, Burt, Boone, Cedar, Cuming, Dixon, Dakota, Knox, Madison, Pierce, Stanton, Thurston, and Wayne counties, and between points within said counties. RESTRICTIONS: 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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1767 In the Matter of RT Investments, LLC, dba Luxury Limousines, Lincoln, seeking to acquire, through transfer, the certificate held by Luxury Limousine Service, Syracuse, in Certificate B-1554: Motion made by Commissioner Frank Landis, 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.

Rate Division

BR-365 In the Matter of The Friendship Program, Inc., Omaha, seeking authority to set its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$.74 per mile and the Tariff 22 fuel surcharge to \$3.96 per truck per trip.

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.)

AS-Central Services-Network Services	\$	3,571.18
Tim Schram		544.00
Anne Boyle		660.00

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to authorize Don Gray to attend the Industry Numbering Committee meeting to be held in Overland Park, Kansas from June 22-25, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter into closed session to discuss litigation and personnel. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:23 a.m.

Motion made by Commissioner Rod Johnson, 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 at 10:49 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the advance of sick leave to an employee in the Nebraska Telecommunications Infrastructure and Public Safety (NTIPS) Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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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 June 15, 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 June 14, 2010.

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Chairman

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Executive Director