

Vice Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis and Tim Schram present and Commissioner Rod Johnson and Gerald Vap excused. Vice Chairman Schram 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 June 9, 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 June 15, 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, June 15, 2010

Rule and Commission Hearing Room, Lincoln. In the Matter of the Com-
Regulation mission, on its own motion, seeking to amend Title 291, Chap-
#161 ter 1, Rules of Commission Procedure, to rewrite a substan-
1:30 tial portion of the rules; correct technical errors, grammar,
punctuation, spelling, sequential numbering and the like;
and reprint the chapter in its entirety. Commissioner Frank
Landis presiding as Hearing Officer.

Wednesday, June 16, 2010

GW-145 Commission Hearing Room, Lincoln. In the Matter of John
GWC-425 A. Fecht, Director Grain Warehouse Department, Complainant,
10:00 v. Auburn Elevator Company, Auburn, Respondent. Commis-
sioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, to
administer the Nebraska Internet Enhancement Fund: Motion
made by Commissioner Frank Landis, seconded by Commissioner Anne
Boyle, to enter an order authorizing payment of grant funds. Motion
passed with Commissioners Anne Boyle, Frank Landis and Tim Schram vot-
ing AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

C-4269 In the Matter of Ionex Communications North, Inc., Atlanta,
Georgia, seeking approval of a financing agreement with its
parent company, Birch Communication, Inc., Atlanta, Georgia, and res-
cinding financing agreement previously approved in Docket C-4220: Motion
made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis,
to enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commis-
sioners Rod Johnson and Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4281/
PI-171 In the Matter of the Commission, on its own motion, seeking to establish methods for the collection and remittance of the Telecommunications Relay System Surcharge by carriers offering prepaid wireless services: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order opening an investigation, seeking comments by July 14, 2010, and setting a workshop for July 28, 2010, at 10:00 a.m. in the Commission Hearing Room. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Schram was appointed as Hearing Officer.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter orders approving applications C-4270 and C-4271. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

C-4270 In the Matter of Windstream Nebraska, Inc., Little Rock, Arkansas, and Big River Telephone Company, LLC, Cape Girardeau, Missouri, seeking approval for the adoption of an Interconnection Agreement pursuant to 47 USC § 252(i).

C-4271 In the Matter of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Rochester, New York, seeking approval of a Local Interconnection Agreement with Metropolitan Telecommunications of Nebraska, Inc., New York, New York.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter orders canceling applications E-2191 and E-2257. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

E-2191 In the Matter of Southern Public Power District, Grand Island, seeking authority to construct, operate and maintain an electric transmission line in Hamilton County.

E-2257 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Cedar, Dixon and Dakota Counties.

C-3554/
NUSF-50
PO #3 In the Matter of the Nebraska Public Service Commission, on its own motion, to make adjustments to the universal service fund mechanism established in NUSF-26: This matter was discussed in the Telecommunications Infrastructure and Public Safety Department agenda.

COMMUNICATIONS DEPARTMENT (Cont.)

John Burvainis discussed the Broadband Mapping/Planning Grant and the notifications on weather-related service outages being filed by carriers in Nebraska.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.04 In the Matter of Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. ACN Communications Services Inc; Aventure Communications Technology LLC; Big River Telephone Company LLC; BLC Management LLC; BT Communications; DSLnet Communications LLC; Entelegent Solutions Inc; Geneva Broadband LLC; Intrado Communications Inc; Kentucky Data Link Inc; Net Talkcom Inc; Northstar Telecom Inc; XO Communications Services Inc, Respondent(s): Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order to dismiss, in part. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for July 27, 2010 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Tim Schram was appointed as Hearing Officer.

911-029.08 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. NE Colorado Cellular, Inc., d/b/a Viaero Wireless, Respondent(s). Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order approving a stipulation and dismissing the complaint. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter orders approving funding for applications 911-042.01, 911-042.02, 911-042.03, 911-042.05 and 911-042.06. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-042.01 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Nemaha County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.02 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public Safety answering points for the implementation and provision of Enhanced Wireless 911 service: Dodge County 911 Board.
- 911-042.03 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: Clay County.
- 911-042.05 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of South Sioux City.
- 911-042.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Grand Island.
- NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska Tele-communications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Paetec Communications, Inc., Respondent(s): Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.
- NUSF-50, PO #3/ C-3554 PI-112 In the Matter of the Nebraska Public Service Commission, on its own motion, to make adjustments to the universal service fund mechanism established in NUSF-26: Sue Vanicek informed the Commission that a Hearing Officer order was entered June 9, 2010, scheduling a second workshop on implementation for June 24, 2010, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to levy late-fees against Unite Private Networks, American Messaging Services, Broadview Networks, DelTel Inc, MCI Communications Services, McLeod Telecommunications, NE Colorado Cellular Inc dba Viaero, SBC Long Distance, ST Messaging and Telephone Systems of Nebraska. Also, to open a Complaint against TeleUno, Inc. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT

FC-1341 In the Matter of the Formal Complaint of Burwell Economy Market, d/b/a Shurfine Food Center, Burwell, alleging inaccurate billing charges: Laura Demman discussed receiving the formal complaint and if a Statement of Satisfaction is not filed, the answer date for SourceGas Distribution LLC, will be fifteen days from the date of service, or July 1, 2010. Commissioner Jerry Vap was appointed as Hearing Officer.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter orders closing dockets NG-0057 and NG-0057.1. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

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

NG-0057.1 In the Matter of 2010 gas supply cost adjustment schedules filed by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to Neb. Rev. § 66-1854. Commissioner Vap presiding as Hearing Officer.

NG-0061/
GDS-005/
HS-0012
HS-0013 In the Matter of Black Hills/Nebraska Gas Utility Company, 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 Anne Boyle, to enter Assessment Orders GDS-005, HS-0012 and HS-0013. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Laura Demman discussed the 2010 SourceGas Choice Program High, Low and Default rates offered by suppliers.

TRANSPORTATION DEPARTMENT

B-1712 In the Matter of DW & JW, Inc., dba Luxury Limousine & Trolley Service, Syracuse, dismissing the suspension issued in Certificate B-1712: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order dismissing the suspension and reinstating Certificate B-1712. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1606 In the Matter of National Arbor Day Foundation, Nebraska Supp. 1 City, seeking to acquire, through transfer, the authority granted to DW & JW, Inc., dba Luxury Limousine & Trolley Service, Syracuse, in Certificate B-1712 (excluding Supplement 2): Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application and revoking Certificate B-1712 (excluding Supplement 2). Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

B-1764 In the Matter of OPR Express, Inc., Lincoln, seeking to acquire, through transfer, the authority granted to Lock P.C. dba Orr Psychotherapy, Lincoln, in Certificate B-1707: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application and revoking Certificate B-1707. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

B-1766 In the Matter of Iron Horse Relays, LLC, Lincoln, seeking to acquire, through transfer, the certificate held by Alton Davis in Certificate B-1708: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application and revoking Certificate B-1708. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap 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 \$.70 per mile, and the Tariff 22 fuel surcharge to \$3.52 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule A & E Rates: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order determining rates for 2010-2011. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

GW-2061 In the Matter of Colon Elevator Co., Colon: John Fecht discussed the shortage of corn.

GW-2160 In the Matter of United Farmers Cooperative, York: John Fecht discussed the shortage of oats.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2119 In the Matter of M. G. Waldbaum Company dba Wayne Grain and Feed, Wayne, seeking a waiver of the Commission's Rules and Regulations regarding net worth requirements for grain warehouses and to obtain a Grain Warehouse License in the State of Nebraska. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order to grant a Grain Warehouse License with a Waiver of the Commission's net worth requirements. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Grain Dealer Division

GD-1679 In the Matter of Herbert Feed & Grain Co., Verdigre, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending September 30, 2010. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

GD-2934 In the Matter of Clark Specialty Grains, LLC, Gothenburg, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending March 31, 2011: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

GENERAL ADMINISTRATION

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

AS-Central Services	\$	500.40
Apex CoVantage, LLC		330,186.00
Kent Pribyl		819.12

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing		2,190.00
Amplified Phone Service		775.78
Associated Hearing Health Care		265.50
B Hear Inc.		1,792.95
Beltone		449.85
Glassman's Hearing Aid Service		289.90

GENERAL ADMINISTRATION (Cont.)

Harris Communications	\$	282.45
Hearing Aid Center of Columbus		319.90
Carl A. Johnson Jr.		162.95
Professional Hearing Aid Services		199.90
Teltex Inc.		3,431.03
Weitbrecht Communications		3,067.60
White's Hearing Aid Specialists		699.75

The following invoices were paid between June 3 and June 14, 2010 and should be ratified:

Voyager	\$	1,350.33
Rod Johnson		741.00

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to renew the Commission's agreement with Ted Burkey for the provision of services relating to the inspection of recreational vehicle factories in the states of California, Indiana, Kansas, Michigan, Ohio, Oregon, and Pennsylvania. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to enter into an agreement with Ted Burkey for the provision of services relating to the review and analysis of recreational vehicle plan review. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to renew the Commission's Interagency Agreement with the Nebraska Department of Justice for the provision of legal services. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Don Gray to travel to and attend a meeting on the GIS portion of the Broadband Mapping Grant to be held at Cal State University, Chico, CA on July 21, 2010. Travel dates will be July 21-22, 2010. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to authorize Tim Sandusky and Scott Elston to travel to and attend the Federal Railroad Administration (FRA) Branson Regional Conference to be held in Branson, Missouri, from July 12-16, 2010, with all expenses to be paid by the FRA. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to authorize Scott Elston to travel to and attend the Federal Railroad Administration (FRA) New Technology Locomotive Discipline Class to be held in Countryside, Illinois from August 2-6, 2010, with all expenses to be paid by the FRA. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to authorize Scott Elston to travel to and attend the Federal Railroad Administration (FRA) Discipline Class to be held in Denver, Colorado, from August 22-27, 2010, with all expenses to be paid by the FRA. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter into closed session to discuss personnel and litigation. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to return to open session. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. The Commission returned to open session at 11:12 a.m.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#172 Regulations, to add rules regarding customer billing prac-
tices. Commissioner Frank Landis presiding as Hearing Offi-
cer: Motion made by Commissioner Frank Landis, seconded by Commissioner
Anne Boyle, to agree to a stay of the Rules pending the outcome of the
Judicial Review initiated by Windstream. Motion passed with Commis-
sioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commis-
sioners Rod Johnson and Jerry Vap excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to implement a furlough position within the Grain Warehouse Department. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

The meeting adjourned at 11:15 a.m. with Commissioners Anne Boyle, Frank Landis and Tim Schram present and Commissioner Rod Johnson and Gerald Vap excused. The next regularly scheduled meeting will be held on June 22, 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 21, 2010.

Vice Chairman

Executive Director