

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 July 20, 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 July 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:

Tuesday, July 27, 2010

911-42.24 Commission Hearing Room, Lincoln. In the Matter of the
1:30 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: Fillmore County. Commissioner Rod
Johnson presiding as Hearing Officer.

Wednesday, July 28, 2010

C-4281/ Workshop. Commission Hearing Room, Lincoln. In the Matter
PI-171 of the Commission, on its own motion, seeking to establish
10:00 methods for the collection and remittance of the Telecom-
munications Relay System Surcharge by carriers offering
prepaid wireless services. Commissioner Tim Schram pre-
siding as Hearing Officer.

Commissioner Rod Johnson entered the Commission Hearing
Room.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commis-
sioner Rod Johnson, to enter orders granting applications AD-506r and
AD-507r. Motion passed with Commissioners Rod Johnson, Frank Landis,
Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle
excused not voting.

AD-506r In the Matter of the Application of Connectel Inc., Ladera
Ranch, California, seeking authority to register the con-
nection of an automatic dialing-announcing device in Los
Angeles, California.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-507r In the Matter of the Application of Connectel Inc., Ladera Ranch, California, seeking authority to register the connection of an automatic dialing-announcing device in New York, New York.

C-3967.1 In the Matter of the Joint Application of ALEC, Inc., Lexington, Kentucky, SinglePipe Communications, Inc., Louisville, Kentucky, and Integrated Broadband Services, LLC, Kennesaw, Georgia, seeking approval to transfer control of ALEC, Inc. to Integrated Broadband Services, LLC: Motion made by Commissioner Tim Schram, 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.

C-4280 In the Matter of the Application of Qwest Communications International, Inc., Denver, Colorado, and CenturyLink, Inc., Vancouver, Washington, seeking approval of indirect transfer of control of Qwest Corporation, Qwest Communications Company, LLC, and Qwest LD Corp: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the petitions for intervention and to appoint a Hearing Officer. Commissioner Frank Landis was appointed Hearing Officer. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4283 In the Matter of the Application of Liberty-Bell Telecom, LLC, Denver, Colorado, seeking authority to operate and provide local exchange, exchange access and interexchange telecommunications services throughout the State of Nebraska: 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.

C-4285 In the Matter of the Application of TDS Long Distance Corporation, Madison, Wisconsin, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

FC-1343 In the Matter of the Formal Complaint of Tom E. Nesbitt, Lincoln, alleging violation of the Automatic Dialing-Announcing Device Act by Anthony W. Fulton, Lincoln; Tony Fulton Committee, Lincoln and Communication Strategies, Inc., St. Louis, Missouri: Commissioner Frank Landis announced that he was recusing himself from the proceeding. Commissioner Jerry Vap was appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4282 In the Matter of the Application of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Rochester, New York, seeking approval of an Opt-In Agreement for Interconnection Agreement with Cable USA III, LLC, Scottsbluff: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Gene Hand informed the Commission that an informational seminar on the use of auto dialers, specifically focusing on political uses, is scheduled for August 18, 2010, at 2:00 p.m. in the Commission Hearing Room. Invitations were sent out last week.

Gene Hand discussed the Broadband Mapping/Planning Grant and reported on the meeting held in Chico, California. He also informed the Commission that the National Telecommunications and Information Administration (NTIA) is advising state mapping entities to not publish broadband maps until some data issues are resolved.

C-3554/ In the Matter of the Commission, on its own motion, seeking
PI-112 to investigate whether the zones established in Docket
NUSF-50/ C-2516 are appropriate in light of NUSF-26 findings and
PO3 conclusions: Gene Hand informed the Commission that a
Hearing Officer Order was entered July 27, 2010 rescheduling a planning call from 2:00 p.m. to 1:00 p.m. CST on July 27, 2010.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders approving funding in applications 911-042.37, 911-042.46, 911-042.52 through 911-042.54, 911-042.61 through 911-042.65. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-042.37 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: Morrill County

911-042.46 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 Wayne

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.52 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: Cherry County
- 911-042.53 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: Brown County
- 11-042.54 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: Keya Paha County
- 911-042.61 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: Otoe County
- 911-042.62 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: Colfax County
- 911-042.63 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: Scottsbluff County
- 911-042.64 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: Sarpy County
- 911-42.65 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: Dixon County

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders approving funding in applications 911-042.68 through 911-042.72, in part. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

- 911-042.68 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: Butler County

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.69 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: Nance County

911-042.70 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: EDS 911

911-042.71 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: Saunders County

911-042.72 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: Kearney County

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter Orders Nunc Pro Tunc in applications 911-042.07, 911-042.13, 911-042.17 and 911-042.57, correcting the June 22, 2010 orders. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-042.07 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: Johnson County

911-042.13 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: Merrick County

911-042.17 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: Hitchcock County

911-42.57 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 Alliance

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders approving funding in applications 911-043.01 through 911-043.04. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-043.01 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Alltel Communications

911-043.02 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: US Cellular

911-043.03 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Sprint Nextel

911-043.04 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Sagir, Inc., dba Indigo Wireless

911-020. In the Matter of Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. A C N Communications Services Inc; Aventure Communications Technology LLC; Big River Telephone Company LLC; BLC Management LLC; BT Communications; DSLnet Communications LLC; Enteleget Solutions Inc; Geneva Broadband LLC; Intrado Communications Inc; Kentucky Data Link Inc; Net Talkcom Inc; Northstar Telecom Inc; XO Communications Services Inc, Respondent(s): Sue Vanicek discussed the Hearing Officer's order entered July 21, 2010, continuing the hearing previously scheduled for July 27, 2010 to a date later to be determined.

C-1628/ In the Matter of the Commission, on its own motion, seeking NUSF/PO to conduct an investigation into intrastate access charge #29 reform and intrastate universal service fund. Northeast Nebraska Telephone Company: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving Northeast Nebraska Telephone Company's change in NUSF-EARN form filing. 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-37. In the Matter of Sue Vanicek, Director of the Nebraska
209 Telecommunications Infrastructure and Public Safety
Department of the Nebraska Public Service Commission, Com-
plainant, v. Telenational Communications, Respondent: Motion made by
Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to
enter an order dismissing the complaint. Motion passed with Commis-
sioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting
AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

FC-1342 In the Matter of Annie Fanning, Waco, vs. SourceGas Distri-
bution, LLC, Lakewood, Colorado, alleging inaccurate bill-
ing. Commissioner Rod Johnson presiding as Hearing Officer: Motion
made by Commissioner Rod Johnson, seconded by Commissioner Frank
Landis, to enter an order dismissing complaint. Motion passed with
Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap vot-
ing AYE, and Commissioner Anne Boyle excused not voting.

NG-0062 In the Matter of Concord Energy LLC, Littleton, Colorado,
seeking authority for a Competitive Natural Gas Provider
Certificate of the state of Nebraska. Commissioner Frank Landis pre-
siding as Hearing Officer: Laura Demman discussed the Protective
Order entered by the Hearing Officer on July 16, 2010. Motion made by
Commissioner Frank Landis, seconded by Commissioner Tim Schram, to
enter an order approving authority. Motion passed with Commissioners
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and
Commissioner Anne Boyle excused not voting.

NG-0013/ In the Matter of the Commission, on its own motion, to
P.O. evaluate and establish, on a quarterly basis, an assess-
No. 28 ment for jurisdictional utilities pursuant to the State
Natural Gas Regulation Act [LB 790, 2003]. Commissioner
Frank Landis presiding as Hearing Officer: Motion made by Commis-
sioner Frank Landis, seconded by Commissioner Tim Schram, to enter
Progression Order 28. 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,
HS-0016 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 Tim Schram, to enter an Assessment Order. 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 (Cont.)

FC-1344 In the Matter of the Formal Complaint of U.S. Chicory, Inc., Scottsbluff, v. SourceGas Distribution, LLC, Lakewood, Colorado, alleging inaccurate billing: Laura Demman discussed the formal complaint filed July 14, 2010. If a Statement of Satisfaction is not filed, the answer date for SourceGas Distribution will be August 3, 2010. Commissioner Vap was appointed as Hearing Officer.

Laura Demman discussed National Association of Regulatory Utility Commissioners (NARUC) agenda items.

RULES AND REGULATION

Rule and Regulation #161 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 1, Rules of Commission Procedure, to rewrite a substantial 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a Nunc Pro Tunc Order. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rule and Regulation #174 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2009 edition of applicable code books and update related provision, update definitional sections, add rules regarding alternating tread devices, update procedures regarding seal issuance, inspections, and plan review, general language clean up, and delete certain forms: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order opening the docket, releasing proposed rules and requesting comments due on September 24, 2010. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Tim Schram was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1646 Supp. 1 In the Matter of Thuc Van Ngo, dba South Sioux Taxi, South Sioux City, seeking to extend the authority of the applicant to transport clients of the Nebraska Department of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Commissioner Johnson presiding as Hearing Officer: Motion made by Commissioner Johnson, seconded by Commissioner Landis, to enter an order dismissing the application and cancelling the hearing scheduled for a date later to be determined. Motion passed with Commissioners Johnson, Landis, Schram and Vap voting AYE, and Commissioner Boyle excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1748 In the Matter of Classy Cruiser, Inc., Fremont, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points in Dodge, Saunders, Washington, Douglas, and Sarpy counties. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order dismissing 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-1768 In the Matter of Rosa's Plaza, Schuyler, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by van between points in Schuyler, Nebraska, and a 100 mile radius of Schuyler over irregular routes: Mark Breiner informed the Commission that a prehearing conference order will be entered on July 27, 2010 and a hearing scheduled for September 2, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln after a Hearing Officer is appointed. Commissioner Rod Johnson was appointed as Hearing Officer.

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 increased to \$.70 per mile and the Tariff 22 fuel surcharge to \$3.52 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

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

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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 Central Services - Network Services	\$	3,416.24
AS Central Services - Copy Services		1,857.81
University of Nebraska - ARRA Broadband Planning		11,565.83
Apex CoVantage LLC		55,629.00
Sprint		63,469.77
Anne Boyle		403.29
Jerry Vap		940.00

GENERAL ADMINISTRATION (Cont.)

The following invoices were paid between July 14 & July 26, 2010 and should be ratified:

Attorney General \$ 2,722.00

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Mark Luttich to travel to and attend the Housing and Urban Development (HUD) Manufactured Home Council of State Administrative Agencies (COSAA) National meeting to be held in Arlington, VA from September 13-17, 2010 with all expenses to be paid by HUD. 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 approve the Executive Director's recommendation to authorize Tim Sandusky to travel to and attend Federal Railroad Administration training to be held in in Kansas City, Missouri, on August 3-4, 2010 with expenses to be paid by the Commission. 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 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 10:39 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation 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 10:42 a.m.

The meeting adjourned at 10:43 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 August 3, 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 August 2, 2010.

Chairman

Executive Director