

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner 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 post-ed in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published August 11, 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 August 17, 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, August 17, 2010

PI-172 Commission Hearing Room, Lincoln. In the Matter of the
1:30 Commission, on its own motion, seeking to investigate and establish a policy and application process for the emergency storage of grain. Commissioner Jerry Vap presiding as Hearing Officer.

Wednesday, August 18, 2010

2:00 Commission Hearing Room, Lincoln.
Automatic Dialing-Announcing Device Seminar

COMMUNICATIONS DEPARTMENT

John Burvainis informed the Commission that a request was received from Windstream NE, Inc. on August 6, 2010, asking the Commission to overturn a denial by the Pooling Administrator for a NXX/Block in the Lincoln rate center to establish a LRN to be used as a Point of Interconnection between the Windstream Local Exchange Carrier (LEC) operations and Competitive Local Exchange Carrier (CLEC) operations: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve sending a letter to the Pooling Administrator. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

John Burvainis discussed the Broadband Mapping/Planning Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.49 In the Matter of Sheridan County, Rushville, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order approving Phase II Funding. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

Sue Vanicek discussed the Wireless E-911 Reporting violations: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to open a complaint against Virgin Mobile, LP, for failure to file Wireless E-911 Quarterly Reports and failure to comply with Commission Orders. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek reported on the awareness activities for Lifeline/Link-up Awareness Week.

NATURAL GAS DEPARTMENT

NG-0061 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 an order granting the application in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

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 in open class service between points in Schuyler and a 100 mile radius of Schuyler over irregular routes. Commissioner Boyle presiding as Hearing Officer: Mark Breiner informed the Commission that a Hearing Officer's Order will be entered August 24, 2010, cancelling the hearing previously scheduled for September 2, 2010.

Rate Division

MCC-3173 In the Matter of Mark Breiner, Director, Motor Transportation Department, vs. Yellow Cab Company, Omaha; Checker Cab Company, Omaha; Valor Transportation Company, Omaha; Don-MCC-3174
MCC-3175 Mark, Inc., dba Cornhusker Cab Company, Omaha; and Happy
MCC-3176 Cab Company, Omaha. Upon agreement of all Commissioners, a
MCC-3177 hearing was scheduled for September 23, 2010, at 10:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Anne Boyle was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

PI-170 In the Matter of the Commission, on its own motion, opening a docket to investigate Omaha area taxi companies. The issues the Commission will investigate are the use of independent contractors and control of the vehicles and drivers, including related contracts employed by the Omaha cab companies and the trip sheet exemption granted to Omaha cab companies in 1988: Upon agreement of all Commissioners, a hearing was scheduled for September 23, 2010, at 10:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Anne Boyle was appointed as Hearing Officer.

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 \$.72 per mile and the Tariff 22 fuel surcharge to \$3.76 per truck per trip.

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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AS Central Services-Accounting Assessment	\$	14,187.00
AS Central Services-OCIO		630.57
AS Central Services-Purchasing Revolving Assessment		6,476.00
AS Central Services-Risk Management-Auto Liability Ins.		3,700.00
Attorney General		2,722.00
Apex		21,485.00
Ben Meadows		2,682.61
Sprint		63,056.58

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to enter into closed session to discuss personnel and litigation. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:20 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation 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 open session at 10:26 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Commissioner Anne Boyle and Shana Knutson to travel to Washington, D.C. August 25-27, 2010 to meet with representatives of the Federal Communication Commission (FCC) regarding the FCC Petition for Declaratory Ruling in WC Docket 06-122 Nebraska Public Service Commission and Kansas Corporation Commission Petition for Declaratory Rulings or in the alternative, adoption of rule declaring that state Universal Service Funds may assess nomadic VoIP intrastate revenues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:32 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 August 24, 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 23, 2010.

Chair man

Executive Director