

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. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published August 24, 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 31, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

AD-504r In the Matter of the Application of Communication Strategies, Inc., St. Louis, Missouri, seeking authority to register the connection of an automatic dialing-announcing device in Secaucus, New Jersey: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter a notice of hearing scheduling a hearing for November 18, 2010, at 1:30 p.m. in the Commission Hearing Room. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Jerry Vap appointed as Hearing Officer.

C-4238/
PI-157 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate unfiled agreements for Intrastate Switched Access Services at rates other than those contained in a carrier's tariff on file with the Commission. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4291 In the Matter of the Application of Tri-M Communications, Inc. d/b/a TMC Communications, Santa Barbara, California, seeking approval of a transfer of control: 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.

C-4293 In the Matter of the Application of TON Services, Inc., Ogden, Utah, seeking approval to cancel their authority to operate as a resale carrier of intrastate interlata and intralata telecommunications services and withdraw the tariff in the State of Nebraska: Motion made by Commissioner Anne Boyle, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

John Burvainis discussed sending a letter to NeuStar clarifying the Commission's position on the issuance of new central office codes from area code 531: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve sending a letter to NeuStar. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4290 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of a Transit Traffic Update Amendment to the Interconnection Agreement with XO Communications Services, Inc., Midvale, Utah, previously approved in Docket C-3939: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2262 In the Matter of the Application of Northwest Rural Public Power District, Hay Springs, seeking authority to construct, operate and maintain an electric transmission line in Dawes 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.

FC-1343 In the Matter of the Formal Complaint of Tom E. Nesbitt, Lincoln, alleging violation of the Automatic Dialing-Announcing Devices Act by Anthony W. Fulton, Lincoln; Tony Fulton Committee, Lincoln and Communication Strategies, Inc., St. Louis, Missouri. Commissioner Jerry Vap presiding as Hearing Officer: John Burvainis reported that a Hearing Officer's order was entered on August 26, 2010, setting a procedural schedule and a hearing for November 18, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

John Burvainis discussed the Broadband Mapping/Planning Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1, In the Matter of the Nebraska Public Service Commission, on P.O. #5 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Benkelman Telephone; Diller Telephone; Hartman Telephone Exchanges; Wauneta Telephone: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to accept the deviation of remittance audit procedures' language. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Nichole Mulcahy discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to levy a late-fee against Working Assets Funding Service, Inc. and that complaints be opened against Nobeltel, Inc., TeleDias Communications and the current complaint NUSF-37.206 against Ztar Mobile, Inc. be amended to include the 2nd Quarter, 2010 data period. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0063/ In the Matter of the Commission, on its own Motion, seeking
PI-173 to investigate and refine filing requirements and establish
further guidelines for prosecution of general rate applica-
tions: Motion made by Commissioner Frank Landis, seconded by Commis-
sioner Anne Boyle, to enter an order opening the docket and seeking
comment on or before October 15, 2010, at 3:00 p.m. and scheduling a
work-shop on October 26, 2010, at 1:30 p.m. in the Commission Hearing
Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod John-
son, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner
Frank Landis was appointed as Hearing Officer.

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 advised the Com-
mission that the Hearing Officer entered an order on August 17, 2010,
setting a Planning Conference for September 1, 2010, at 10:00 a.m. in
the Niobrara Conference Room.

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 Offi-
cer: Laura Demman discussed the Motion for Clarification and/or
Reconsideration and Request for Oral Argument filed by the Public
Advocate on August 27, 2010. The Hearing Officer entered an order on
August 30, 2010, scheduling the deadline for responses to the Motion
at 12:00 p.m. on September 7, 2010, and scheduling an oral argument on
the Motion on September 8, 2010, at 2:00 p.m. in the Commission Hear-
ing Room, Lincoln.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 5, Telecommunications Rules and #176 Regulations, to adopt rules in accordance with Nebraska Legislative Bill 181 [2010]: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order opening the docket and seeking comments due October 15, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

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 retained at \$.72 per mile and the Tariff 22 fuel surcharge was decreased to \$3.60 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, 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-Network Services	\$	3,075.13
Anne Boyle		452.78
Rod Johnson		1,283.50

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Associated Ear Nose & Throat	441.00
Johnny Borghesi	2,778.60
Beltone	2,472.55
Hearing Aid Center of Columbus	119.95
Carl A Johnson	430.25
League of Human Dignity	779.70
Professional Hearing Aid Services	1,420.32
Sherard Hearing Aid Center	1,278.75
Talk To Me Technologies	998.00
Teltex Inc.	1,676.43
U-Save Pharmacy & Medical Supply	213.95
Weitbrecht Communications	2,357.60
Sprint Communications	399.98
White's Hearing Aid Specialists	441.64

GENERAL ADMINISTRATION

John Burvainis and Mike Hybl discussed the 2011-2012/2012-2013 agency budget submission.

Commissioner Rod Johnson left the Commission Hearing Room.

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 and litigation. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission entered into closed session at 11:01 a.m.

WC 06-122 Nebraska Public Service Commission and Kansas Corp. Commission Petition for Declaratory Ruling or, in the alternative, Adoption of Rule Declaring that State Universal Service Funds may assess Nomadic VoIP Intrastate Revenues: Shana Knutson discussed the Vonage Petition meetings with the Federal Communications Commission (FCC) that took place on August 26-27 in Washington, DC.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission returned to open session at 11:21 a.m.

The meeting adjourned at 11:21 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on September 8, 2010, at 9:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 7, 2010.

Chairman

Executive Director