

Chairman Gerald Vap called the regularly scheduled meeting to order at 9:00 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 August 31, 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 September 8, 2010 at 9:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, September 8, 2010

2:00 Commission Hearing Room, Lincoln. Oral Argument.
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.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in August 2010. She reported there were a total of 80 complaints: 52 - wireline and 28 - wireless. The complaints were categorized as follows: 30 billing, 30 service and 20 miscellaneous issues.

Commissioner Anne Boyle entered the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders granting applications AD-511r and AD-512r. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

AD-511r In the Matter of the Application of Zata-3 Consulting, LLC, Washington, DC, seeking authority to register the connection of an automatic dialing-announcing device in Huntsville, Alabama.

AD-512r In the Matter of the Application of Zata-3 Consulting, LLC, Washington, DC, seeking authority to register the connection of an automatic dialing-announcing device in Secaucus, New Jersey.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4280 In the Matter of the Application of Qwest Communications International, Inc., Denver, Colorado, and CenturyLink, Inc., Vancouver, Washington, seeking approval of the indirect transfer of control of Qwest Corporation, Qwest Communications Company, LLC, and Qwest LD Corp. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission a Hearing Officer Order was entered August 5, 2010, scheduling a hearing for September 21, 2010, at 1:00 p.m. in the Commission Hearing Room, Lincoln. If needed, the hearing will continue on September 22, 2010 at 10:00 a.m. Gene Hand also informed the Commission that a Hearing Officer Order was entered September 3, 2010, granting informal interventions.

Gene Hand confirmed that there will be a second workshop on October 7, 2010, at the Cornhusker Marriott Hotel, Hawthorne Room, Lower Level, Lincoln, that will focus on future data collection, mapping and planning associated with the broadband mapping grant from the NTIA.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1, In the Matter of the Nebraska Public Service Commission, on P.O. #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Allo Communications; Diller Telephone Company; Hartman Telephone Exchange; Nebraska Technology & Telecommunications; Southeast Nebraska Communications: Sue Vanicek discussed the deviation of remittance audit procedures' language, seeking Commission approval to accept the agreed upon procedures as submitted by the third-party auditing company. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to accept the agreed upon procedures as submitted by the third-party auditing company. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Com-
GDS-008 pany, 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 Assessment Order GDS-008. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

P-0013.26 In the Matter of Metropolitan Utilities District of Omaha, Omaha, providing notice required by *Neb. Rev. Stat.* Section 66-1863, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order closing docket. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Laura Demman reported a total number of 20 consumer complaints and inquiries received during August. For each company: Black Hills - 9; SourceGas - 7; NorthWestern - 2; and Other Entities - 2.

SourceGas Distribution, LLC introduced William Cantrell, Chief Executive Officer and President and Lewis Binswanger, Senior Director - Business Strategy.

RULES AND REGULATION

Rule and Regulation #177 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules regarding filing of agreements containing terms for provision of regulated telecommunication services at rates or charges different from the rates and charges for such services contained in a carrier's tariff on file with the Commission: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order opening the docket and seeking comments due October 22, 2010. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT

B-1745 Supp. 1 In the Matter of WADD I, LLC, dba Wings of Love, Omaha, seeking to extend the authority held by WADD I, LLC, which states transportation of passengers and their baggage by van in open class service between points in Douglas County. SUPPLEMENT 1: Transportation of passengers and their baggage by van in open class service between points in Sarpy County, and between points in said county, on the one hand, and, on the other hand, points in Douglas County. HHS designation: Yes. Restriction: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

PI-159 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking an investigation into the necessity of Public Service Commission certification for contractors with Division of Children and Family Services for the Child Welfare and Juvenile Services System Program: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order scheduling a workshop for September 27, 2010, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson 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 retained at \$.72 per mile and the Tariff 22 fuel surcharge at \$3.60 per truck per trip.

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, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

West	\$	980.46
Kent Pribyl		1,072.31
Anne Boyle		720.00
Tim Schram		646.00

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to accept an offer of settlement for the total vehicle loss of an agency-owned motor vehicle -- a 2007 Ford Freestar van, VIN #2IMZA512-27BA35144, Vehicle #14492. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve seeking an Attorney General's opinion regarding the interpretation of an Automatic Dialing-Announcing Devices Act provision. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Mark Luttich to travel to and attend the Manufactured Home Consensus Committee meeting with Housing and Urban Development (HUD) to be held in Arlington, Virginia, from October 25-30, 2010, with all expenses to be paid by the National Fire Protection Association (NFPA). Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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

The meeting adjourned at 9:27 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 14, 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 September 13, 2010.

Chairman

Executive Director