

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle 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 September 29, 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 October 5, 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, October 5, 2010

911-046/
PI-167
1:30 In the Matter of the Commission, on its own motion, seeking to investigate costs and options for the statewide maintenance of Geographic Information Systems (GIS) Data necessary for the provision of Enhanced Wireless 911 Service. Commissioner Vap presiding as Hearing Officer.

Wednesday, October 6, 2010

11:00 Commission Hearing Room, Lincoln. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-69.05 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: United States Cellular Corporation.

NUSF-69.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: N.E. Colorado Cellular, Inc. dba Viaero Wireless.

NUSF-69.07 In the Matter of the Nebraska Public Service Commission, on Commission, its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Petition received June 1, 2010, from Long Lines Wireless, LLC.

GENERAL ADMINISTRATION (Cont.)

Thursday, October 7, 2010

10:00 Cornhusker Marriott, lower level Hawthorne Room. Broadband grant workshop.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in September 2010. She reported there were a total of 56 complaints: 36 - wireline and 20 - wireless. The complaints were categorized as follows: 20 billing, 28 service and 8 miscellaneous issues.

C-4119.1 In the Matter of the Application of Southeast Nebraska Communications, Inc., Falls City, seeking approval of the issuance of long-term indebtedness: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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-4298 In the Matter of the Application of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking to revise their depreciation rates: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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-4299 In the Matter of the Application of Opex Communications, Inc., Los Angeles, California, seeking authority to add TCI Long Distance as a trade name: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, 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.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Sue Vanicek discussed the Hearing Officer's Order entered September 30, 2010, rescheduling the start time of the hearing scheduled for October 6, 2010 from 10:00 a.m. to 11:00 a.m. in Dockets NUSF-69.05 through NUSF-69.07. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-69.05 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: United States Cellular Corporation.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-69.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: N.E. Colorado Cellular, Inc. dba Viaero Wireless.

NUSF-69.07 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Petition received June 1, 2010, from Long Lines Wireless, LLC.

NATURAL GAS DEPARTMENT

NG-0063/
PI-173 In the Matter of the Commission, on its own motion, seeking to investigate and refine filing requirements and establish further guidelines for prosecution of general rate applications. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the petition for intervention. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NG-0061/
GDS-009 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, seeking a General
HS-0022 Rate Increase for Black Hills Energy's Rate Areas One, Two
HS-0023 and Three (Consolidated). Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Assessment Orders GDS-009, HS-0022 and HS-0023. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1344 In the Matter of the Formal Complaint of U.S. Chicory, Inc., Inc., Scottsbluff, v. SourceGas Distribution LLC, Lakewood, CO, alleging inaccurate billing. Commissioner Jerry Vap presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on September 28, 2010, scheduling a video conference hearing on October 28, 2010, at 9:30 a.m. MT/10:30 a.m. CT in the Panhandle Research & Extension Center, High Plains Room, 4502 Avenue I, Scottsbluff, and the Commission Hearing Room, Lincoln.

NG-0063/
PI-173 In the Matter of the Commission, on its own Motion, seeking to investigate and refine filing requirements and establish further guidelines for prosecution of general rate applications. Commissioner Frank Landis presiding as Hearing Officer: Laura Demman discussed the Hearing Officer's Order entered October 1, 2010, rescheduling the workshop from October 26, 2010, to November 1, 2010, at 2:00 p.m. in the Commission Hearing Room, Lincoln, and extending the comment deadline filing date to 3:00 p.m. on October 25, 2010.

NATURAL GAS DEPARTMENT (Cont.)

Laura Demman reported a total number of 14 consumer complaints and inquiries received during September. For each company: Black Hills - 4 and SourceGas - 10.

TRANSPORTATION DEPARTMENT

B-1771 In the Matter of Larry Schmidt, dba Your Own Limousine, Supp. 1 Kearney, seeking to extend its authority in the transportation of passengers by luxury or stretch limousine between points in Custer, Dawson, Gosper, Phelps, Kearney, Franklin, and Harlan counties and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, 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.

M-10315 In the Matter of Able Transfer, Inc., Norfolk: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order revoking the authority. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle 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 increased to \$.78 per mile and the Tariff 22 fuel surcharge to \$4.20 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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-Motor Vehicle Coverage	\$	1,057.69
Anne Boyle		897.00
Tim Schram		750.00

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve a contract with GeoComm, Inc. to provide services related to the development of the State and National Broadband maps. 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 authorize Commissioner Johnson to travel to and attend the Mid-America Telecom Showcase & Seminar (MATSS) to be held in Kansas City, Missouri from October 17-19, 2010. 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 approve Commission minutes for the month of September, 2010. 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 enter into closed session to discuss litigation and personnel. 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 10:17 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 10:33 a.m.

WC 06-122 Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to add \$10,000 to the contract with Birch, Horton, Bittner and Cherot for legal expenses and costs associated with the FCC Petition for Declaratory Ruling in WC Docket 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. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Family Medical Leave for a member of the Commission staff. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 10:35 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 October 13, 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 October 12, 2010.

Chair man

Executive Director