

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 posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published October 12, 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 19, 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:

Thursday, October 21, 2010

10:30 Commission Hearing Room, Lincoln. Commissioner Anne Boyle presiding as Hearing Officer.

MCC-3173 In the Matter of Mark Breiner, Director, Motor Transporta-
through tion Department, Nebraska Public Service Commission, vs.
MCC-3177 Yellow Cab Company, Omaha; Checker Cab Company, Omaha;
Valor Transportation Company, Omaha; DonMark, Inc., dba
Cornhusker Cab Company, Omaha; and Happy Cab Company,
Omaha.

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 inde-
pendent contractors and control of the vehicles and drivers,
including related contracts employed by the Omaha cab com-
panies and the trip sheet exemption granted to Omaha cab
companies in 1988.

COMMUNICATIONS DEPARTMENT

C-4302 In the Matter of the Application of Cellco Partnership, dba
Verizon Wireless, Lewisville, Texas, and its subsidiaries
and affiliates, to amend eligible telecommunications carrier designa-
tion in the State of Nebraska: Motion made by Commissioner Frank
Landis, seconded by Commissioner Tim Schram, to enter an order grant-
ing the Petitions of Intervention and acknowledging the Protestants as
Parties. Commissioner Frank Landis was appointed as Hearing Officer.
Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram
and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not
voting.

COMMUNICATIONS DEPARTMENT (Cont.)

John Burvainis discussed the Broadband Mapping/Planning Grant.

Cheryl Elton discussed the customer complaints the department has received relating to the network changes Verizon is making to integrate the facilities acquired from Alltel.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-045/ In the Matter of the Commission, on its own motion, seeking
PI-166 to investigate the requirements, costs and impact of the
implementation of Next Generation 911 in Nebraska relating
to the provision of Enhanced Wireless 911 Service: Sue Vanicek in-
formed the Commission that a Hearing Officer Order was entered on
October 14, 2010, scheduling a workshop for December 6, 2010, at 9:00
a.m. MT/10:00 a.m. CST in the Commission Hearing Room, Lincoln and via
video at the Northeast Community College, Maclay Building, Room 167A,
801 East Benjamin Avenue, Norfolk; Educational Service Unit #16,
Distance Learning Room, 1221 West 17th Street, North Platte; Panhandle
Research & Extension Center, High Plains Room, 4502 Avenue I, Scotts-
bluff; and Cherry County Extension Office, 132 South Hall Street,
Valentine.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska
231 Telecommunications Infrastructure and Public Safety
Department of the Nebraska Public Service Commission,
Complainant v. Millicorp, Inc., Respondent. Motion made by
Commissioner Tim Schram, seconded by Commissioner Frank Landis, to
enter an order dismissing the Complaint. Motion passed with Commis-
sioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE,
and Commissioner Rod Johnson excused not voting.

SuAnn Witt, E-Rate Coordinator for the Department of
Education, provided an update on the E-Rate Program changes.

Sue Vanicek informed the Commission that the next E911
Advisory Board Meeting will be held at 10:00 a.m. on November 15,
2010, at Sarpy County Offices, Administrative Conference Room, 2nd
Floor, 1210 Golden Gate Drive, Papillion.

NATURAL GAS DEPARTMENT

NG-0065 In the Matter of Encore Energy Services, Inc., Omaha, seek-
ing authority for a Competitive Natural Gas Provider Cer-
tificate in the State of Nebraska: Motion made by Commissioner Frank
Landis, seconded by Commissioner Tim Schram, to enter a Protective
Order. 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.)

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: Laura Demman discussed an order entered by the Hearing Officer on October 15, 2010, scheduling a technical conference for October 19, 2010, immediately following the 10:00 a.m. regular Commission meeting in the Commission Hearing Room, Lincoln. Parties wishing to participate by telephone may dial 888-820-1398, access code 4207969#.

RULES AND REGULATIONS

Rule and #177 In the Matter of the Commission, on its own motion, seeking Regulation 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: The Commission was informed that a Hearing Officer's Order was entered October 13, 2010 granting AT&T's motion to extend the comment deadline to November 5, 2010 at 3:00 p.m. Commissioner Frank Landis was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1742 In the Matter of Grace Transport Services, Inc., Norfolk: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order for revocation. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

B-1768 In the Matter of Rosa's Plaza, Schuyler: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order for suspension until October 12, 2011. 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 \$.78 per mile and the Tariff 22 fuel surcharge at \$4.20 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick, seeking emergency storage for soybeans: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the request. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GW-2174 In the Matter of John A. Fecht, Director Warehouse Depart-
GWC-425 ment, Complainant, v. Pender Grain Elevator, Inc., Pender, Defendant: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order allowing the warehouse to reopen, lifting the license suspension and returning title to all grain. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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

Attorney General	\$	2,722.00
AS Central Services-Office Supplies		709.80
Executive Travel		550.50

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Mark Luttich to travel to and attend the United States Department of Housing and Urban Development (HUD) Manufactured Home Quality Auditors Meeting, to be held in Washington, DC, from November 8-10, 2010, with all expenses to be paid by HUD. 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 Commission minutes for the month of September. 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 Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Gene Hand to travel to and attend the Regional Oversight Committee Staff meeting to be held in Denver, Colorado from October 20-22, 2010. 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.)

The meeting adjourned at 10:28 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 October 26, 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 25, 2010.

Chairman

Executive Director