

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 November 30, 2010 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held December 7, 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:

Wednesday, December 8, 2010

Commission Hearing Room, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.

FC-1343 1:30 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.

AD-504r 3:00 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.

Commissioner Rod Johnson entered the Commission Hearing Room.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in November 2010. She reported there were a total of 76 complaints: 48 - wireline and 28 - wireless. The complaints were categorized as follows: 43 billing, 19 service and 14 miscellaneous issues.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an amended protective order for Dockets FC-1346 and FC-1347. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Gene Hand informed the Commission that a Hearing Officer's order was entered on December 2, 2010, granting a motion for Admission Pro Hac Vice. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

- FC-1346 In the Matter of the Formal Complaint of Great Plains Communications, Inc. and Great Plains Broadband, Inc., Blair, v. Sprint Communications Company, L.P., Overland Park, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1347 In the Matter of the Formal Complaint of Sprint Communications Company, L.P., Overland Park, Kansas, v. Great Plains Communications, Inc. and Great Plains Broadband, Inc., Blair, alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture.
- C-2483 In the Matter of the Commission, on its own motion, to re-examine its retail quality of service standards for all local exchange carriers operating within the State of Nebraska. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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-4311 In the Matter of the Application of Ionex Communications North, Inc., Atlanta, Georgia, seeking approval to guarantee and pledge its assets in connection with financing transactions entered into by its parent company, Birch Communications, Inc., Atlanta, Georgia: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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-4312 In the Matter of the Application of Midwestern Telecommunications, Inc., Chicago Heights, Illinois, seeking authority to operate as a local exchange carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Rod Johnson, 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.
- C-4313 In the Matter of the Joint Application of Zone Telecom, Inc., Cherry Hills, New Jersey, and Associated Network Partners, Inc., Springfield, Illinois, seeking approval of name changes: 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.)

C-4316 In the Matter of the Joint Application of Unite Private Networks, LLC, Kearney, Missouri, UPN Merger Sub, LLC and UPN Holdings LLC, Charlotte, North Carolina, seeking approval of issuance of debt and related financing transactions: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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-4320/ NUSF-78 In the Matter of the Nebraska Public Service Commission, on its own motion, to obtain compliance by Digital ISP Group, Inc., with Nebraska statutes, Commission rules and orders: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order to show cause and schedule a hearing for January 5, 2011 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund (NIEF): Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to appoint Charles Whitney to the NIEF Advisory Board. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4314 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an interconnection agreement with Broadview Networks, Inc., King of Prussia, Pennsylvania: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1348 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, v. Arapahoe Telephone Company, Blair; et. al. alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer's order was entered December 1, 2010, granting a request for extension.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-047/
PI-168 In the Matter of the Commission, on its own motion, seeking to investigate and establish standards and guidelines for Geographic Information Systems (GIS) Data necessary for the provision of Enhanced Wireless 911 Service: Commissioner Jerry Vap presiding as Hearing Officer: Sue Vanicek informed the Commission that a Hearing Officer's order was entered on December 6, 2010, to continue the workshop from December 8, 2010 to January 26, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska
228 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. GoSolo Technologies, Inc., Respondent(s): Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-78/
C-4320 In the Matter of the Commission, on its own motion, seeking to obtain compliance by Digital ISP Group, Inc. with Nebraska statutes, Commission rules and orders: This matter was addressed on the Communication Department's agenda.

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 Tim Schram, to enter Progression Order 1 seeking comment on or before January 10, 2011, at 3:00 p.m. and scheduling a workshop for January 19, 2011, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Persons wishing to participate by telephone should dial 888-820-1398 and enter access code 4207969#.

Laura Demman reported a total number of 10 consumer complaints and inquiries received at the Commission during November. For each company: Black Hills - 3; SourceGas - 6; NorthWestern - 0; and Other Entities - 1.

TRANSPORTATION DEPARTMENT

B-1519 In the Matter of Navigator Motor Coaches, Inc., Norfolk, seeking to acquire, through transfer, the certificate held by I-80 Eppley Express, Kearney, in Certificate B-1192: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting temporary operating authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter orders sustaining the complaints in Dockets MCC-3173 through MCC-3177. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

- MCC-3173 In the Matter of Mark J. Breiner, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, vs. Yellow Cab Company, Omaha, Nebraska, Defendant.
- MCC-3174 In the Matter of Mark J. Breiner, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, vs. Valor Transportation, Omaha, Nebraska, Defendant.
- MCC-3175 In the Matter of Mark J. Breiner, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, vs. Checker Cab Company, Omaha, Nebraska, Defendant.
- MCC-3176 In the Matter of Mark J. Breiner, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, vs. DonMark, Inc., dba Cornhusker Cab Company, Omaha, Nebraska, Defendant.
- MCC-3177 In the Matter of Mark J. Breiner, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, vs. Happy Cab Company, Omaha, Nebraska, Defendant.

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 \$.82 per mile and Tariff 22 fuel surcharge at \$4.72 per truck per trip.

GENERAL ADMINISTRATION

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

Attorney General	\$	5,444.00
West		980.46
Kent Pribyl		900.83
Anne Boyle		480.00
Rod Johnson		1,219.33

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Amplified Phone Services	\$	69.96
Associated Hearing Health Care		348.00
B Hear		2,980.23
Beltone		3,798.20
Glassman's Hearing Aid Service		151.94
Grand Island Hearing Aid Center		440.50
Hearing Aid Center of Columbus		502.80
Carl A. Johnson Jr.		1,463.63
Professional Hearing Aid Services		269.95
Sherard Hearing Aid Center		149.95
Talk To Me Technologies		1,000.00
Teltex, Inc		1,095.63
Weitbrecht Communications		1,408.28
White's Hearing Aid Specialists		379.35

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to purchase a personal computer for the Communications Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for November, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:27 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 December 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 December 13, 2010.

Chairman

Executive Director