

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:05 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 December 7, 2010 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held December 14, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

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: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order sustaining the complaint in part and dismissing the complaint in part. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE. Commissioners Anne Boyle and Frank Landis abstained from voting.

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 Jim Nekuda to the NIEF Advisory Board. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4318 In the Matter of the Application of Southeast Nebraska Communications, Inc., Falls City, seeking approval of the issuance of long-term indebtedness in connection with Rural Utilities Service Loan Grant under the Broadband Initiatives Grant Program: Motion made by Commissioner Frank Landis, 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: Commissioner Rod Johnson was appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that a Hearing Officer order was entered in Dockets FC-1346 and FC-1347 on December 10, 2010, granting a Motion for Admission Pro Hac Vice.

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. Commissioner Frank Landis presiding as Hearing Officer.

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. Commissioner Frank Landis presiding as Hearing Officer.

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 order was entered December 10, 2010, granting a Motion for Admission Pro Hac Vice.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-002 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order setting the surcharge. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-017/  
PI-116 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish interim policies for the administration of the Enhanced Wireless 911 Fund pending implementation of LB 1222 [2006]: Motion made by Commissioner Frank Landis, 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.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.56 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: York County: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order approving funding in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69 In the Matter of the Nebraska Public Service Commission, on P.O. # 6 its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order scheduling a workshop for January 25, 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.

Sue Vanicek discussed the Nebraska Statewide Telehealth Network Evaluation Report for 2009-2010.

TRANSPORTATION DEPARTMENT

Commissioner Frank Landis left the Commission Hearing Room.

Rate Division

BR-376 In the Matter of Emerald Limousine, Inc., Crescent, Iowa, seeking authority to set its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE and Commissioner Frank Landis excused not voting.

LR-319 In the Matter of SMC Shared Mobility Coach, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE and Commissioner Frank Landis excused not voting.

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 \$.84 per mile and the Tariff 22 to \$4.20 per truck per trip.

TRANSPORTATION DEPARTMENT (Cont.)

B-1780 In the Matter of MTBW, LLC, dba TherAnBac, North Platte, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers and their baggage by limousine service in open class service, and in charter bus service between points in Lincoln County, and between points in Lincoln County, on the one hand, and, on the other hand, points in Nebraska irregular routes. HHS Designation: No: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE and Commissioner Frank Landis excused not voting.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

AS Central Services	\$	771.61
Data Source		608.45
Voyager		1,551.63
Frank Landis		100.00

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Natural Gas Director's recommendation to approve contracts with Christensen Associates and David Rosenbaum Economic Consulting LLC, for natural gas consulting services. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to purchase a 2011 Ford Escape XLT for the Grain Warehouse Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

The meeting adjourned at 10:45 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Gerald Vap present and Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on December 21, 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 20, 2010.

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Chairman

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Deputy Director