

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 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. Chairman Vap announced there will be no Commission meeting on December 28th and the office will be closed on December 24th and 31st.

GENERAL ADMINISTRATION

Notice was duly published December 14, 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 21, 2010 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

AD-504r 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 Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE and Commissioner Frank Landis present not voting.

FC-1349 In the Matter of the Formal Complaint of Sprint Communications Company LP, Overland Park, Kansas, v. Arapahoe Telephone Company, Blair; et. al; alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture. Commissioner Frank Landis was appointed as Hearing Officer.

CG-Docket Empowering Consumers to Avoid Bill Shock: Consumer Information and Disclosure. Gene Hand informed the Commission #10-207 that the deadline for filing comments was moved from December 27, 2010, to January 10, 2011. CG-Docket #09-158

C-4093.1 In the Matter of the Application of McLeodUSA Telecommunications Services, Inc., Fairport, New York, seeking approval of change in corporate form from a corporation to a limited liability company which will change the name to McLeodUSA Telecommunications Services, LLC: 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.

Gene Hand informed the Commission that two Hearing Officer orders were entered in Dockets FC-1346 and FC-1347; the first on December 13, 2010, scheduling oral arguments which were held on December 14, 2010, and a second one entered December 15, 2010, granting in part and denying in part, the motion to compel.

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. 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 13, 2010, granting a request for extension.

Gene Hand reminded the Commission of the December 31, 2010, deadline for Internet Services Providers to submit third round broadband data using the new Data Input Model (DIM).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

- 911-048 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to manage and fund intertandem trunking necessary for the implementation and provision of enhanced wireless 911 service: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving funding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
- NUSF-1, P.O. #7 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Orbitcom, Inc.: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to accept the deviation of remittance audit procedures' language in the Agreed Upon Procedures engagement letter. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska
224 Telecommunications Infrastructure and Public Safety Depart-
ment of the Nebraska Public Service Commission, Complain-
ant, v. IDT American Corporation, Respondent: Motion made by Commis-
sioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an
order dismissing the complaint. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek reported on the disconnection of the telehealth
circuit for Callaway District Hospital.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remit-
tances: Motion made by Commissioner Rod Johnson, seconded by Commis-
sioner Frank Landis, to levy late fees against Level 3 Communications,
LLC and, that a one-time waiver be granted to Hartington Telecommuni-
cations. Additionally, that a complaint be opened against DelTel,
Inc. and that the current complaint NUSF-37.208 against United Tele-
phone Company of the West be amended to include the October, 2010
late-filed remittance. Motion passed with Commissioners Anne Boyle,
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0046/ In the Matter of the Commission, on its own motion, seeking
PI-128 to investigate certain customer service issues and plans
relating to SourceGas Distribution LLC, f/k/a Kinder Mor-
gan, Inc., Lakewood, Colorado. Commissioner Jerry Vap presiding as
Hearing Officer: Motion made by Commissioner Tim Schram, seconded by
Commissioner Frank Landis, to enter an order closing the docket.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

NG-0061 In the Matter of Black Hills/Nebraska Gas Utility Company,
HS-006 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 HS-0026. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim
Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1771 In the Matter of Larry Schmidt, dba Your Own Limousine, LLC
Kearney, seeking authority to change to a Limited Liability
Company: Motion made by Commissioner Frank Landis, seconded by Com-
missioner 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.

TRANSPORTATION DEPARTMENT (Cont.)

B-1778 In the Matter of Down The Hatch, Inc., dba Down The Hatch, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in Lancaster County, and between points in Lancaster County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: 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.

B-1782 In the Matter of Goodwill Industries of Greater Nebraska, Inc., Grand Island, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by bus and van who are clients of Goodwill Industries of Greater Nebraska, Inc., and their baggage between points in Hall, Merrick, Adams, Hamilton, Buffalo, and Howard counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$.84 per mile and the Tariff 22 fuel surcharge was increased to \$4.92 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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

University of Nebraska - Bureau of Business Research \$9,424.25

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to authorize Commissioner Anne Boyle to travel to and attend the Universal Service Administration Company (USAC) Quarterly Meetings to be held in Washington, DC in January, April, July and October, 2011 with all expenses to be paid by USAC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve the Addendum to Contract for Professional GIS Services. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:29 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:38a.m.

The meeting adjourned at 10:39 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 January 4, 2011, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 3, 2011.

Chairman

Executive Director