

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 Tuesday, January 4, 2011 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 11, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to elect Commissioner Tim Schram as Chairman. Motion passed with Commissioners Anne Boyle, Frank Landis and Jerry Vap voting AYE, Commissioner Tim Schram present not voting, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to elect Commissioner Rod Johnson as Vice-Chairman. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Attention was called to the following proceedings:

Wednesday, January 12, 2011

Rule and Regulation #175 10:00 Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to promulgate Title 291, Chapter 15, Enhanced Wireless 911 Services Rules and Regulations, previously written under Title 291, Chapter 5, Section 005, Telecommunications Rules and Regulations, and to adopt rules in accordance with Nebraska Legislative Bills 516 [2005] and 1222 [2006] and adopt current policy standards. Commissioner Jerry Vap presiding as Hearing Officer.

GW-2174 GWC-426 1:30 Commission Hearing Room, Lincoln. In the Matter of John A. Fecht, Director, Warehouse Department, Nebraska Public Service Commission, Complainant, v. Pender Grain Elevator, Inc., Pender, Respondent. Commissioner Tim Schram presiding as Hearing Officer.

GENERAL ADMINISTRATION (Cont.)

Tuesday, January 17, 2011

911-050 Commission Hearing Room, Lincoln. In the Matter of the
1:30 First Petition of N.E. Colorado Cellular, Inc., d/b/a
Viaero Wireless, for support from the E-911 Wireless
Service Provider (WSP) Grant Program. Commissioner Jerry
Vap presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

AD-515r In the Matter of the Application of Magellan Data and
Mapping Strategies, LLC, Louisville, Colorado, seeking
authority to register the connection of an automatic dialing-announc-
ing device in Los Angeles, California: Motion made by Commissioner
Anne Boyle, seconded by Commissioner Frank Landis, to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commis-
sioner Rod Johnson excused not voting.

C-4321 In the Matter of the Application of Budget Call Long Dis-
tance, Inc., Rochester, New York, seeking authority to
withdraw their interexchange certification and tariff: Motion made by
Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to
enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE,
and Commissioner Rod Johnson excused not voting.

Gene Hand discussed the TRS Late-Filed Remittances: Motion
made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap,
to grant a one-time waiver request from Cox Communications and late
fees be levied against NT&T. Motion passed with Commissioners Anne
Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commis-
sioner Rod Johnson excused not voting.

Gene Hand informed the Commission that a Hearing Officer
order was entered in Dockets FC-1346 and FC-1347 on January 3, 2011,
amending the procedural schedule and rescheduling the hearing for
April 12, 2011 at 1:00 p.m. and continuing on April 13, 2011 9:00 a.m.
in the Commission Hearing Room, Lincoln. Commissioner Frank Landis
presiding as Hearing Officer.

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.

COMMUNICATIONS DEPARTMENT (Cont.)

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.

Gene Hand discussed the Broadband Mapping/Planning Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-50/ In the Matter of the Nebraska Public Service Commission, on P.O. #4 its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order seeking comments with the due date of February 11, 2011. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Sue Vanicek discussed NUSF Late-Filed Carrier Remittances and recommended that late-fees be levied against STI Prepaid, LLC and BCN Telecom, Inc., and that complaints be opened against Consumer Cellular, Inc., Nobeltel, LLC, UCN, Inc., Long Lines Wireless, LLC and CIMCO Communications. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to levy late-fees against STI Prepaid, LLC and BCN Telecom, Inc. and open complaints against Consumer Cellular, Inc., Nobeltel, LLC, UCN, Inc., Long Lines Wireless, LLC and CIMCO Communications. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 1, Rules of Commission Procedure #161 to rewrite a substantial portion of the rules; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety. Commissioner Frank Landis presiding as Hearing Officer: Nichole Mulcahy informed the Commission that the Attorney General's office rejected the rules on January 5, 2011.

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2009 edition #174 of applicable code books and update related provisions, update definitional sections, add rules regarding alternating tread devices, update procedures regarding seal issuance, inspections, and

RULES AND REGULATIONS (Cont.)

Rule and plan review, general language clean up, and delete certain Regulation forms. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order issuing a Certificate of Adoption for the proposed rules. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

LEGISLATIVE REPORT

Angela Melton presented the Legislative Tracking Chart and discussed the bills that are being watched.

TRANSPORTATION DEPARTMENT

B-1627 In the Matter of Advantage Transport, Inc., Sioux City, Iowa: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order revoking the certificate. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Rate Division

TR-179 In the Matter of Yellow Cab & Limo, Beatrice, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis: Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson 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 retained at \$.88 per mile and the Tariff 22 fuel surcharge at \$5.20 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

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

GRAIN WAREHOUSE DEPARTMENT

GD-2171 In the Matter of B4 Grain, Inc., Kearney, Paxton and River-
GW-2171 dale, seeking cancellation of their grain dealer and grain
warehouse licenses: Motion made by Commissioner Jerry Vap,
seconded by Commissioner Anne Boyle, to grant the request effective
January 4, 2011. Motion passed with Commissioners Anne Boyle, Frank
Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod
Johnson excused not voting.

GW-1154 In the Matter of the application of Cooperative Producers,
Inc., Hastings, seeking a \$50,000.00 deductible on its
stock insurance: Motion made by Commissioner Anne Boyle, seconded by
Commissioner Frank Landis, to enter an order granting the application.
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 Jerry Vap, seconded by Commis-
sioner Frank Landis, to approve the Executive Director's recommenda-
tion to approve the following Commission invoices. Motion passed with
Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap vot-
ing AYE, and Commissioner Rod Johnson excused not voting.

Voyager	\$	1,647.93
West		980.46
Mark Luttich		856.55

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Anne Boyle, to approve the Executive Director's recommenda-
tion to approve personnel in the Communications Department and the
Grain Warehouse Department to carry over earned but unused 2010 vaca-
tion leave to 2011. 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 Jerry Vap, seconded by Commis-
sioner Anne Boyle, to approve the Executive Director's recommendation
to approve an agreement with eGrain, Inc. to provide for the provision
of electronic grain warehouse receipts. Motion passed with Commis-
sioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE,
and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Anne Boyle, to approve the Executive Director's recommendation
to enter into closed session to discuss personnel issues. Motion
passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and
Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.
The Commission entered into closed session at 10:42 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission returned to open session at 10:46 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to remove from probation an employee in the Grain Warehouse Department. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

The meeting adjourned at 10:47 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 January 19, 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 18, 2011.

Chairman

Executive Director