

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Rod Johnson excused. Chairman Schram 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 March 9, 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 March 15, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Commissioner Anne Boyle entered the Commission Hearing Room.

C-4272 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate practices related to network reliability and requirements governing notification for service interruptions: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order seeking further comment. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

E-2269 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, 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.

Gene Hand discussed the Telecommunications Relay Service (TRS) Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to open complaints against Ernest Communications, Inc. and VoIP.com and issue a one-time waiver to Nebraska Central Telephone Company and Comtech 21, LLC. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund (NIEF). Gene Hand informed the Commission that a NIEF Advisory Board Meeting will be held April 27, 2011, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that Hearing Officer orders were entered in Dockets FC-1348 and FC-1350 through FC-1356 on March 9, 2011, rescheduling oral arguments on motions to dismiss and adjusting the briefing schedule. Oral Arguments are rescheduled from April 5 to April 12, 2011, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

- FC-1348 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, v. Arapahoe Telephone Company, Arapahoe; Benkelman Telephone Company, Inc., Benkelman; Cambridge Telephone Company, Cambridge; Cozad Telephone Company, Cozad; Diller Telephone Company, Diller; Eastern Nebraska Telephone Company, Blair; Great Plains Communications, Inc., Blair; Hartington Telecommunications Company, Inc., Hartington; Hartman Telephone Exchanges, Inc., Benkelman; Henderson Cooperative Telephone Company, Henderson; Hershey Cooperative Telephone Company, Hershey; Hooper Telephone Company, Hooper; Northeast Nebraska Telephone Company, Jackson; Rock County Telephone Company, Blair; Southeast Nebraska Communications, Inc., Falls City; Three River Telco, Lynch; and Wauneta Telephone Company, Benkelman; alleging unfair and unreasonable intra-state switched access rates and inefficient network architecture.
- FC-1350 In the Matter of the Formal Complaint of Cambridge Telephone Company, Cambridge, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1351 In the Matter of the Formal Complaint of Eastern Nebraska Telephone Company, Blair, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1352 In the Matter of the Formal Complaint of Great Plains Communications, Inc., Blair, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1353 In the Matter of the Formal Complaint of Hartington Telecommunications Company, Inc., Hartington, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.

COMMUNICATIONS DEPARTMENT (Cont.)

- FC-1354 In the Matter of the Formal Complaint of Hooper Telephone Company, Remsen, Iowa, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1355 In the Matter of the Formal Complaint of Northeast Nebraska Telephone Company, Jackson, Nebraska, v. AT&T Communications of the Midwest, Inc. aka AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services.
- FC-1356 In the Matter of the Formal Complaint of Rock County Telephone Company, Blair, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas, alleging failure to pay for intrastate switched access services. Gene Hand discussed the Broadband Mapping/Planning Grant.
- C-4334 In the Matter of Citizens Telecommunications Company of Nebraska dba Frontier Communications of Nebraska, Mound, Minnesota, seeking a local rate increase. Gene Hand informed the Commissioners a Notice of Proposal Rate Change was mailed to residential customers of Frontier Communications on March 15, 2011. The proposed increase for basic residential service is \$2.00 from the current rate of \$17.50 to the proposed rate of \$19.50. Public meetings will be held at 6:00 p.m. on May 10, 2011 at the City Auditorium, 209 South Lincoln Street, Madison and at 6:00 p.m. on May 11, 2011, at the Harmon Park Activities Center, 3100 5th Avenue, Kearney.

Gene Hand informed the Commission that NebraskaLink will be giving a brief presentation at the end of today's meeting regarding their grant project.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

- 911-049/
PI-174 In the Matter of the Commission, on its own motion, seeking to investigate the affect of statewide prepaid wireless subscriber counts on local exchange carrier payments for enhanced wireless 911 service, under the permanent funding mechanism and quarterly reporting requirements: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order adopting proposed policies. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Commissioner Rod Johnson entered the Commission Hearing Room.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-1, In the Matter of the Nebraska Public Service Commission, on P.O. #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant Globalstar's request for an extension until April 29, 2011 to complete the NUSF Worksheet Audit due December 31, 2010. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson present not voting.

NUSF-77, In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the NUSF. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order seeking reply comments due March 29, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the NUSF Late Filed Remittance Worksheets: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to open complaints against Telenational Communications and Zito Midwest, LLC and, that a late fee be levied against Long Lines Siouxland, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company, HS-0030 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 Rod Johnson, to enter Assessment Order HS-0030. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Rod Johnson presiding as Hearing Officer: Laura Demman discussed the order entered on March 14, 2011, by the Hearing Officer canceling the Prehearing Conference previously scheduled for March 16, 2011 and setting the filing deadline to file Exhibits and Witness Lists for March 17, 2011.

RULES AND REGULATION

Rule and Regulation #174 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2009 edition of applicable code books and update related provision, update definitional sections, add rules regarding alternating tread devices, update procedures regarding seal issuance, inspections, and plan review, general language clean up, and delete certain forms. Commissioner Tim Schram presiding as Hearing Officer. Nichole Mulcahy informed the Commission that the Attorney General's office approved the rules March 10, 2011 and they were forwarded to the Governor for signature on March 11, 2011.

LEGISLATIVE REPORT

Nichole Mulcahy discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1749 In the Matter of The Party Zone LLC dba Party Zone Limos. com, Omaha: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order for suspension until March 15, 2012: Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 decreased to \$1.06 per mile and the Tariff 22 fuel surcharge to \$7.08 per truck per trip.

Commissioner Rod Johnson left the Commission Hearing Room.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, 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.

AS Central Services-Office Supplies	\$	647.17
AS Central Services-IM Services/Computer purchase		3,376.72
Data Source		542.00
West		980.46

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

AGN Sales	\$	938.05
Alternative Hearing		760.00
Amplified Phone Services		1,111.70
Beltone		874.65
Glassman's Hearing Aid Services		424.12
Hearing Aid Center of Columbus		378.95
Carl A. Johnson Jr.		164.95
Professional Hearing Aid Services		947.60
Sprint		599.97
Teltex		3,517.67
U-Save Pharmacy & Medical Supply		313.90
Weitbrecht Communications		827.76
Western ENT Associates PC		226.80

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Commissioner Anne Boyle to attend the National Association of Regulatory Utility Commissioners Summer Conference to be held in Los Angeles, California from July 15-21, 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 Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Gene Hand and Sue Vanicek to attend the National Association of Regulatory Utility Commissioners Summer Conference to be held in Los Angeles, California from July 15-21, 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 Frank Landis, seconded by Commissioner Jerry Vap, 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 10:19 a.m.

Commissioner Rod Johnson returned to the Commission Hearing Room.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, 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 10:36 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to accept the resignation of an employee in the Nebraska Telecommunications Infrastructure and Public Safety Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to open for hire a position in the Nebraska Telecommunications Infrastructure and Public Safety Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to terminate the furlough program in the Housing and Recreational Vehicle Department effective March 31, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to reclassify positions within the Housing and Recreational Vehicle Department as permanent part-time positions and adopt salary modifications for affected employees. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NebraskaLink gave a presentation to the Commission on the status of building their high-speed, middle mile fiber-optic network across Nebraska.

The meeting adjourned at 10:55 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 March 22, 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 March 21, 2011.

Chair man

Executive Director