

Chairman Tim Schram 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 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 April 5, 2011 on Page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 12, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, April 12, 2011:

- 1:30 Commission Hearing Room, Lincoln. Oral Arguments.  
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, 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 intrastate 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.

GENERAL ADMINISTRATION (Cont.)

Tuesday, April 12, 2011:

- 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.
- 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.

Monday, April 18, 2011

- NUSF-50 Commission Hearing Room, Lincoln. Workshop. In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26. Commissioner Frank Landis presiding as Hearing Officer.  
1:30

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in March, 2011. She reported there were a total of 73 complaints: 51 - wireline and 22 - wireless. The complaints were categorized as follows: 28 billing, 29 service and 16 miscellaneous issues.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4062.1 In the Matter of the Joint Application of Global Capacity Group, Inc., Chicago, Illinois, and GC Pivotal, LLC, Phoenix, Arizona, seeking authority to transfer authority and assets to GC Pivotal, LLC: 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.

C-4328/ In the Matter of the Nebraska Public Service Commission, on PI-176 its own motion, to investigate issues related to the service quality associated with intrastate interexchange service including the origination, termination, and routing of interexchange calls. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order scheduling a workshop for May 17, 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.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter orders dismissing the complaints in Dockets TRS-1 and TRS-2. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRS-1 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, V. Ernest Communications, Inc., Norcross, Georgia, Respondent:

TRS-2 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, V. VoIP.com, Boca Raton, Florida, Respondent:

WC 10-90 In the Matter of Connect America Fund, et.al: This docket was addressed under the Nebraska Telecommunications Infrastructure and Public Safety Department agenda.

Gene Hand reported that the next two broadband forums are scheduled from 1:00-4:00 p.m. on April 13 at the Embassy Suites, 1040 P Street, Lincoln and April 14 at the Opera House, 322 East 5<sup>th</sup>, Minden.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1        In the Matter of the Nebraska Public Service Commission,  
P.O. #7        on its own motion, seeking to establish guidelines for  
                 administration of the Nebraska Universal Service Fund:  
Northstar Telecom, Inc. Motion made by Commissioner Frank Landis,  
seconded by Commissioner Anne Boyle, to grant Northstar's request for  
an extension until April 30, 2011 to complete the NUSF Worksheet Audit  
due December 31, 2010. Motion passed with Commissioners Anne Boyle,  
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.     In the Matter of Sue Vanicek, Director of the Nebraska  
227            Telecommunications Infrastructure and Public Safety Depart-  
                 ment of the Nebraska Public Service Commission, Complaint  
v. Discount Long Distance, Inc., Respondent(s): Motion made by Com-  
missioner Frank Landis, seconded by Commissioner Rod Johnson, to enter  
an order approving a stipulation and cancelling the show cause hearing  
previously scheduled for April 19, 2011 in this docket. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram  
and Jerry Vap voting AYE.

WC 10-90     In the Matter of Connect America Fund, et al: Sue Vanicek  
                 discussed the proposed comments to this Federal Communica-  
tions Commission (FCC) Docket. Motion made by Commissioner Frank  
Landis, seconded by Commissioner Rod Johnson, to approve the comments  
to be filed in this proceeding that are due April 18, 2011. Commis-  
sioner Anne Boyle recused herself from this docket due to the fact  
that she is a member of the Federal-State Joint Board on Universal  
Service. Motion passed with Commissioners Rod Johnson, Frank Landis,  
Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle  
present not voting.

Sue Vanicek discussed the application of Jeffrey W. Zindel  
to the Nebraska Universal Service Fund's Advisory Board as the public  
representative. Motion made by Commissioner Jerry Vap, seconded by  
Commissioner Anne Boyle, to accept Jeffrey W. Zindel's application.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1357     In the Matter of the Formal Complaint of Marilyn M. Reeser,  
                 Grand Island v. NorthWestern Energy, Sioux Falls, South  
Dakota, alleging unfair gas usage charges. Commissioner Rod Johnson  
presiding as Hearing Officer: 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.

NATURAL GAS DEPARTMENT (Cont.)

NG-0013/ PO #31 In the Matter of the Commission, on its own motion, seeking to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter Progression Order #31. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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: Nichole Mulcahy discussed the order entered on April 6, 2011, by the Hearing Officer setting the comment deadline for April 18, 2011, before 3:00 p.m.

RULES AND REGULATION

Rule and Regulation #175 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: Angela Melton informed the Commission that the rules were approved by the Attorney General's Office on April 6th and will be forwarded to the Governor for approval.

LEGISLATIVE REPORT

Nichole Mulcahy discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1757 Supp. 2 In the Matter of Night Life Limousine, Beatrice, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by limousine between points in Polk, Hamilton, Franklin, Butler, Platte and Lancaster counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1775 In the Matter of Limo 4 Hire, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by limousine in Lancaster County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an Order to Show Cause. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1785 In the Matter of Safe & Sound Productions, 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, Douglas, Saunders, Dodge, Sarpy, Buffalo, Hall, Hamilton and Seward counties, and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-383 In the Matter of Down The Hatch, Lincoln, seeking authority to set its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

BR-384 In the Matter of Safe and Sound Productions, Lincoln, seeking authority to set its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis. 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 increased to \$1.20 per mile and the Tariff 22 fuel surcharge to \$8.20 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2184 In the Matter of The Andersons, Inc. dba B4 Grain, Kearney:  
John Fecht discussed the shortage of wheat and soybeans.

GENERAL ADMINISTRATION

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

AS Central Services-IM Services	\$	964.97
AS Central Services-Copy Services		2,731.51
AS Central Services-Office Supplies		504.54
Voyager		2,339.19
West		980.46

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to authorize Commissioners Rod Johnson, Frank Landis, and Tim Schram to travel to and attend the Mid-America Regulatory Conference (MARC) Annual Meeting to be held in Rapid City, South Dakota, from June 4-8, 2011 with some expenses to be paid by MARC. 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 Rod Johnson, to approve the Executive Director's recommendation to cancel the weekly Commission meeting scheduled for June 7, 2011. 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 purchase five (5) personal computers for use in the NTIPS, General Administration and Housing Departments. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:33 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 April 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 April 18, 2011.

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Chair man

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Executive Director