

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 12, 2011 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 19, 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 19, 2011

- 1:30 Commission Hearing Room, Lincoln. Show Cause Hearing. Commissioner Rod Johnson presiding as Hearing Officer.
- NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
206 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Ztar Mobile, Inc., Respondent(s).
- 2:00 Commission Hearing Room, Lincoln.  
MR-1009/ In the Matter of the Commission, on its own motion,  
PI-70 initiated an investigation on range uniformity in the Official Intracity House Goods Tariff 2, and to develop procedures for efficiently processing household goods mover tariff amendments. Commissioner Tim Schram presiding as Hearing Officer.

#### Friday, April 22, 2011

- 10:00 Commission Hearing Room, Lincoln.  
NUSF Advisory Board Meeting.

#### Monday, April 25, 2011

- 10:00 Commission Hearing Room, Lincoln and video-link to the University of Nebraska at Kearney, Communications Center Building, 1918 University Drive, Kearney. E911 Advisory Board Meeting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/  
PI-118 In the Matter of the Nebraska Public Service Commission,  
on its own motion, seeking to implement provisions of  
LB 1222 [2006] and to establish a permanent funding  
mechanism for wireless enhanced 911 service. Commissioner Vap  
presiding as Hearing Officer: Sue Vanicek discussed the Hearing  
Officer's Order entered April 18, 2011, scheduling a workshop for  
May 4, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Motion made by Commissioner Jerry Vap, seconded by Commis-  
sioner Anne Boyle, to approve extension requests for submission of  
their 2011-2012 FY funding request due April 15, 2011. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram  
and Jerry Vap voting AYE.

911-019/  
PI-118 In the Matter of the Nebraska Public Service Commission,  
on its own motion, seeking to implement provisions of  
LB 1222 [2006] and to establish a permanent funding  
mechanism for wireless enhanced 911 service. Commissioner  
Vap presiding as Hearing Officer: City of Alliance to  
April 29, 2011.

911-019/  
PI-118 In the Matter of the Nebraska Public Service Commission,  
on its own motion, seeking to implement provisions of  
LB 1222 [2006] and to establish a permanent funding  
mechanism for wireless enhanced 911 service. Commissioner  
Vap presiding as Hearing Officer: Scottsbluff County to  
May 6, 2011.

NUSF-4 In the Matter of the Commission, on its own motion, seeking  
P.O. #16 to determine the level of the fund necessary to carry out  
the Nebraska Telecommunications Universal Service Fund Act  
effective fiscal year beginning July 1, 1999: Motion made by Commis-  
sioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an  
order scheduling a hearing for May 24, 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.

WC 11-42, In the Matter of Lifeline and Link-Up Reform and Moderni-  
03-109, zation: Motion made by Commissioner Anne Boyle, seconded  
96-45 Commissioner Frank Landis, to file proposed comments in these  
FCC dockets. Motion passed with Commissioners Anne Boyle,  
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek informed the Commission that the next NUSF  
Advisory Board Meeting is scheduled for April 22, 2011 at 10:00 a.m.  
in the Commission Hearing Room, Lincoln with a video-link to Northeast  
Community College, Maclay Building, Room #122, 801 East Benjamin  
Avenue, Norfolk.

COMMUNICATIONS DEPARTMENT

C-4354/ DC-79 In the Matter of the Nebraska Public Service Commission regarding the 2010 Annual Report Filings: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Tim Schram was appointed 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; et.al.; alleging unfair and unreasonable intrastate switched access rates and inefficient network architecture. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the motion to dismiss, strike the request for a refund and schedule a planning conference on April 26, 2011, at 1:30 p.m. in the Niobrara Conference Room, Lincoln. 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 enter orders denying motions to dismiss and scheduling a planning conference on April 26, 2011, at 1:30 p.m. in the Niobrara Conference Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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:

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:

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:

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:

COMMUNICATIONS DEPARTMENT (Cont.)

- FC-1355 In the Matter of the Formal Complaint of Northeast Nebraska Telephone Company, Jackson, Nebraska, v. AT&T Communications of the Midwest, Inc. a/k/a AT&T, Olathe, Kansas:
- 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:
- C-4338 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the Interconnection Agreement with McLeodUSA Telecommunications Services, LLC d/b/a Paetec Business Services, Hiawatha, Iowa, previously approved in Docket C-2023: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order approving the amendment. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, that complaints be opened against Ernest Communications, Inc. and Long Lines Siouxland, LLC, and that one-time waivers be issued to Airespring, Inc., Allo Communications, American Fiber Network, Inc., Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company, Ernest Communications, Inc., Huntel Communications, Long Lines Siouxland, LLC, NorthStar Telecom, Inc., NOS Communications, Inc., Rock County Telephone Company, and United Telephone Company of the West. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand reported that our third round data methodology paper was filed with the National Telecommunications and Information Administration (NTIA) on April 18, 2011, and the next broadband forum will be held on April 28, 2011, from 1:00-4:00 p.m. at the Greater Omaha Chamber of Commerce, 1301 Harvey Street, Omaha.

NATURAL GAS DEPARTMENT

- NG-0061/ In the Matter of Black Hills/Nebraska Gas Utility Company,  
HS-0031 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-0031. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1783        In the Matter of T & T Limousine Service, LLC, Norfolk, Supp. 1        seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers by luxury or stretch limousine between points in Dodge, Washington, Saunders, Cuming and Colfax counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. All transports to originate and terminate in said five counties. Original geographic description in certificate to be revoked upon the granting of Supplement 1. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Motion made by Commissioner Anne Boyle, 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-1788        In the Matter of Party Express, LLC, Omaha, seeking to operate as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in Douglas County and a 75 mile radius of Douglas County. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Motion made by Commissioner Jerry Vap, 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.

Rate Division

BR-385        In the Matter of Goodwill Industries of Greater Nebraska, Grand Island, seeking authority to adjust its rates and charges: Motion made by Commissioner Rod Johnson, 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.

BR-386        In the Matter of Party Express Bus, LLC, Omaha, 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 retained at \$1.20 per mile and the Tariff 22 fuel surcharge was increased to \$8.36 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

- GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick:  
John Fecht discussed the shortage of wheat.
- GW-267 In the Matter of Greenwood Farmers Cooperative dba Midwest  
Farmers Coop, Greenwood: John Fecht discussed the shortage  
of oats.
- GW-408 In the Matter of The Farmers' Grain and Live Stock Company,  
Hadar: John Fecht discussed the shortage of corn.
- GWC-426 In the Matter of John A. Fecht, Director, Grain Warehouse  
Department, Nebraska Public Service Commission, Complain-  
ant, v. Production Management for Crops Inc., Nebraska Respondent:  
Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank  
Landis ,to execute a Stipulation and enter an order to dismiss the  
complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE.
- GW-2185 In the Matter of Pride Enterprises, Inc., Long Pine, seek-  
ing authority as a grain warehouse pursuant to Neb. Rev.  
Stat. Section 88-527 and Neb. Admin. Code Title 291, Ch. 8, Sec. 002:  
Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod  
Johnson, to approve the warehouse license. Motion passed with Commis-  
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry  
Vap voting AYE.
- GW-2154 In the Matter of Pride Grain LLC, Long Pine, seeking to  
cancel its grain warehouse license: Motion made by Commis-  
sioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant the  
request effective April 19, 2011. Motion passed with Commissioners  
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting  
AYE.

Grain Dealer Division

- GD-2185 In the Matter of Pride Enterprises, Inc., Long Pine,  
seeking authority as a grain dealer pursuant to Neb. Rev.  
Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner  
Jerry Vap, seconded by Commissioner Rod Johnson, to approve a grain  
dealer license. Motion passed with Commissioners Anne Boyle, Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
- GD-2154 In the Matter of Pride Grain LLC, Long Pine, seeking to  
cancel its grain dealer license: Motion made by Commis-  
sioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant the  
request effective April 19, 2011. Motion passed with Commissioners  
Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting  
AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2968 In the Matter of Organic Producers Iowa Nebraska South Dakota Cooperative, North Bend seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

State Auditor's Office \$ 988.91

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, 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.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to purchase five (5) personal computer monitors for use in the Manufactured Housing, NTIPS, and Natural Gas 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 26, 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 25, 2011.

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Chairman

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Executive Director