

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 May 3, 2011 on Page 11 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 10, 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, May 10, 2011:

Rule and Commission Hearing Room, Lincoln. In the Matter of the Regulation Commission, on its own motion, seeking to amend Title 291, #176 Chapter 5, Telecommunications Rules and Regulations, to 1:30 adopt rules in accordance with Nebraska Legislative Bill 181 [2010]. Commissioner Tim Schram presiding as Hearing Officer.

Wednesday, May 11, 2011:

Schedule Commission Hearing Room, Lincoln. In the Matter of Fixing A & E Reasonable Storage Rates and Charges for Public Grain Ware- Rates houses. Commissioner Jerry Vap presiding as Hearing 10:00 Officer.

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter orders granting applications AD-519r and AD-520r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-519r In the Matter of the Application of The Spoken Hub, LLC, New York, New York, seeking authority to register the connection of an automatic dialing-announcing device in New York, New York.

AD-520r In the Matter of the Application of The Spoken Hub, LLC, New York, New York, seeking authority to register the connection of an automatic dialing-announcing device in New York, New York.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund:
Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order adopting forms and establishing a grant timeline. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4345 In the Matter of the Application of Liberty-Bell, LLC, Denver, Colorado, seeking authority to change its name to Liberty Bell Telecom, LLC d/b/a DISH Network Phone & Internet in the State of Nebraska: 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.

C-4346 In the Matter of the Application of Reliance Communications International, Inc., New York, New York, seeking authority to withdraw its certificate of authority to provide interexchange telecommunication services in Nebraska and its tariff: Motion made by Commissioner Tim Schram, 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.

Gene Hand informed the Commission that a Hearing Officer order was entered May 2, 2011, granting consolidation of the dockets and adopting a procedural schedule that included setting a hearing for October 4-7, 2011, in the Commission Hearing Room, Lincoln. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a protective order in Dockets FC-1348 and FC-1350 thru FC-1356. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. 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; et al; 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.

COMMUNICATIONS DEPARTMENT (Cont.)

- 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. a/k/a 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.
- TRS-4 In the Matter of Gene Hand, Director, Communications Department, Nebraska Public Service Commission, Complainant V. Long Lines Siouxland, LLC, Sergeant, Iowa: Motion made by Commissioner Frank Landis, 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.

Gene Hand informed the Commission that a request was received from Windstream NE, Inc. on April 26, 2011, asking the Commission to overturn a denial by the Pooling Administrator for a new NXX/Block in each of eight separate rate centers. The new NXX/Blocks will facilitate the implementation of new remote switches off of the Lincoln Meta Switch in each of the rate centers. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve sending a letter requesting the Pooling Administrator to waive the requirements and issue the requested thousands-blocks to Windstream. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, that complaints be opened against Comtech 21, LLC and NorthStar Telecom, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand reported that the April 2011 Numbering Plan Areas (NPA) Exhaust Analysis now forecasts exhaust of numbering resources in the 308 NPA to be in the third quarter of 2036 and the combined 402/531 NPA to be beyond forty years.

C-4334 In the Matter of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Mound, Minnesota, seeking a local rate increase: Gene Hand informed the Commission that there are two public meetings for this proposed rate increase. The first one is scheduled for May 10, 2011, at 6:00 p.m. at the City Auditorium, 209 South Lincoln Street, Madison and the second one for May 11, 2011, at 6:00 p.m. at the Harmon Park Activities Center, 3100 5th Avenue, Kearney.

Gene Hand discussed the status of the supplemental Broadband Mapping/Planning Grant.

Gene Hand reported on the May 5th National Regulatory Research Institute (NRRI) Teleseminar titled "Ensuring Telecommunications Service Quality: Can Competition Substitute for Regulatory Oversight?"

Gene Hand distributed the Federal Communications Commission (FCC) Advisory report released May 9, 2011, providing further information regarding the May 18th workshop on modernizing Universal Service for Broadband to be held at the Thompson Alumni Center, University of Nebraska at Omaha, 6705 Dodge Street, Omaha, from 10:00 a.m. to 6:00 p.m. CDT.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-042.33 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 service: City of Lincoln: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order releasing funding previously approved. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek informed the Commission that the next Wireless E-911 Advisory Board meeting is scheduled for July 11, 2011 at 10:00 a.m. in the Commission Hearing Room, Lincoln with a video-link to the University of Nebraska at Kearney, Room 216, Communications Center Building, 1918 University Drive, Kearney.

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: Norstan Network Services: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to grant Norstan's request for an extension until July 31, 2011, to complete the NUSF Worksheet Audit that was previously due December 31, 2010. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69.07 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Petition received April 22, 2010 from Long Lines Wireless LLC, for support: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order correcting the funding amount for wireless tower construction. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0066 In the Matter of gas supply cost adjustment schedules implemented by Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, pursuant to *Neb. Rev. Stat. sec. 66-1854*. Commissioner Frank Landis presiding as Hearing Officer: Angela Melton discussed the Hearing Officer order entered May 6, 2011, extending the deadline to May 20, 2011, for Black Hills Energy to provide the gas supply purchase contracts and transportation contracts related to gas procured under the gas supply purchase contracts documentation.

Angela Melton reported a total number of 22 consumer complaints and inquiries received during April. For each company: Black Hills - 4; SourceGas - 10; NorthWestern - 3; and Other Entities - 5.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1729 In the Matter of Omaha Fiesta Bus, Inc., Omaha: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the suspension of Certificate B-1729. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1757 In the Matter of Night Life Limousine, LLC, Beatrice, seeking Supp. 3 ing to acquire, through transfer, the authority granted to The Party Zone, LLC, dba Party Zone Limos.com, Omaha, in Certificate B-1749: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting temporary operating authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-378 In the Matter of Panda Transportation, Valentine, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, 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.

TR-180/ In the Matter of Happy Cab, Yellow Cab, Checker Cab, Corn-
TR-182 husker Cab, and Safeway Cab, Omaha, seeking authority to adjust its rates and charges: A video hearing was scheduled for May 26, 2011, at 10:00 a.m., in the Commission Hearing Room, Lincoln, and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha. Commissioner Anne Boyle was appointed as Hearing Officer.

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 at \$8.36 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GWC-427 In the Matter of John A. Fecht, Director, Warehouse Department, Nebraska Public Service Commission, Complainant v. Clarkson Grain Company, Illinois, Respondent: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, 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.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Department

GD-2843 In the Matter of the Application of Clarkson Grain Company, Inc., seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant a dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION AGENDA

Motion made by Commissioner Frank Landis, 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.

AS-Central Services-Personnel SOS Billing	\$ 777.73
University of Nebraska-ARRA Nebr. Broadband Planning	8,732.65
Voyager	1,580.77
West	980.46
Kent Pribyl	648.14

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	1,155.00
B Hear	3,654.87
Beltone	1,919.15
Glassman's Hearing Aid Service	423.19
Grand Island Hearing Aid Center	827.00
Harris Communications	2,282.35
Carl A. Johnson Junior	676.85
Professional Hearing-Aid Services	1,664.17
Talk to Me Technologies	1,000.00
Teltex, Inc.	1,230.26
Weitbrecht Communications	2,253.69
Western ENT Associates PC	1,033.25
White's Hearing Aid Specialists	174.95

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to approve Commission minutes for the month of April, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:35 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 May 17, 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 May 16, 2011.

Chairman

Executive Director