

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Anne Boyle 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 May 16, 2011 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 24, 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 24, 2011:

NUSF-4            Commission Hearing Room, Lincoln.  
P.O. #16        In the Matter of the Commission, on its own motion, seeking  
1:30            to determine the level of the fund necessary to carry out  
                 the Nebraska Telecommunications Universal Service Fund Act  
                 effective fiscal year beginning July 1, 2011. Commissioner  
                 Frank Landis presiding as Hearing Officer.

#### Thursday, May 26, 2011:

TR-180/        Commission Hearing Room, Lincoln and Nebraska State Office  
TR-182        Building, 1313 Farnam Street, Room 207, Omaha. In the  
10:00        Matter of Happy Cab, Yellow Cab, Checker Cab, Cornhusker  
                 Cab, and Safeway Cab, Omaha, seeking authority to adjust  
                 its rates and charges. Commissioner Anne Boyle presiding  
                 as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3554/        In the Matter of the Commission, on its own motion, seeking  
NUSF-50/        to investigate whether the zones established in Docket  
PI-112        C-2516 are appropriate in light of NUSF-26 findings and  
                 conclusions. Commissioner Jerry Vap presiding as Hearing  
Officers:        Motion made by Commissioner Jerry Vap, seconded by Commis-  
                 sioner Rod Johnson, to enter an order of implementation. Motion passed  
                 with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap  
                 voting AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4349 In the Matter of the Application of Dennis R. Hurley of Ponca, Nebraska, seeking authority to receive telephone service from the Martinsburg exchange of the Northeast Nebraska Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commissioner Boyle excused not voting.

C-4353 In the Matter of the Application of Evercom Systems, Inc., Dallas, Texas, seeking approval of issuance of debt and related financing transactions: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4353.1 In the Matter of the Application of Evercom Systems, Inc., Dallas, Texas, seeking approval of a name change to Securus Technologies, Inc: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4351 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the Interconnection Agreement with Integra Telecom of Nebraska, Inc., Portland, Oregon, previously approved in Docket C-2250: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Commissioner Anne Boyle entered the Commission Hearing Room.

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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order allowing PSAPs to adjust funding requests for the 2010/2011 funding year and the 2011/2012 funding year, for the retention of funds for future equipment and software purchases and upgrades. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle present not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-020.05 In the Matter of Sue Vanicek, Director of the Nebraska DC-78 Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Broadview Networks, Inc.; Cozad Telephone Company; Dark Fiber Solutions, Inc.; Ernest Communications, Inc.; Lightyear Network Solutions, LLC; McLeod USA Telecommunications Services/Paetec Business Services; Northstar Telecom, Inc.; NOS Communications, Inc.; Reliance Communications, Inc.; Sprint Communications, LP; TCG Omaha; Wholesale Carrier Services, Inc.; and XO Communications Services, Inc., Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint in part. 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 enter orders approving funding for the 2011-2012 Fiscal Year in Dockets 911-042.01, 911-042.07 through 911-042.10 and 911-042.12. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.01 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: Nemaha County.

911-042.07 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: Johnson County.

911-042.08 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 Falls City.

911-042.09 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 McCook.

911-042.10 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: Buffalo County.

911-042.12 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: Kimball County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-051/ In the Matter of the Commission, on its own motion, seeking  
PI-177 to investigate payments from the Enhanced Wireless 911 Fund  
for certain contracts for Geographical Information Systems  
(GIS) data services: Motion made by Commissioner Jerry Vap, seconded  
by Commissioner Anne Boyle, to enter an order opening the docket,  
seeking comments due July 1, 2011 and setting a hearing for July 12,  
2011 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commis-  
sioner Vap was appointed as Hearing Officer. Motion passed with Com-  
missioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry  
Vap voting AYE.

NUSF-50/ In the Matter of the Nebraska Public Service Commission, on  
C-3554/ its own motion, seeking to make adjustments to the univer-  
PI-112 sal service fund mechanism established in NUSF-26: This  
matter was addressed during the Communication's Department  
agenda.

NUSF-50, In the Matter of the Nebraska Public Service Commission, on  
P.O. #5 its own motion, to make adjustments to the Universal Ser-  
vice Fund mechanism established in NUSF-26: Motion made by  
Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to  
enter an order amending EARN Form requirements. Motion passed with  
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE.

NUSF-69, In the Matter of the Nebraska Public Service Commission, on  
P.O. #6 its own motion, seeking to implement policies and proce-  
dures related to providing dedicated universal service  
support for wireless telecommunications services: Motion made by  
Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to  
enter an order requiring dedicated wireless fund recipients to provide  
broadband availability data and, move the petition due date from June  
1 to July 1 for the 2011 calendar year support. Motion passed with  
Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seek-  
Regulation ing to amend Title 291, Chapter 9, Natural Gas and Pipeline  
#179 Rules and Regulations, to adopt rules regarding General  
Rate Filings; Rate Principle Affiliate Transactions and  
Tariff Filings: Motion made by Commissioner Frank Landis, seconded by  
Commissioner Anne Boyle, to enter an order opening the docket, releas-  
ing the first set of proposed rules and seeking comments due June 30,  
2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

Mike Hybl discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1793 In the Matter of Leisure Bus Transportation, Lincoln, seeking to operate as a common carrier in Nebraska intra-state commerce in the transportation of passengers by bus in charter and special party service statewide in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. 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-389 In the Matter of R&F Hobbies, Inc., dba Prince of the Road, Kearney, 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 on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

BR-390 In the Matter of Leisure Bus Transportation, Lincoln, seeking authority to set its rates and charges: Motion made by Commissioner Jerry Vap, 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.

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 \$1.14 per mile and the Tariff 22 fuel surcharge to \$7.84 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2971 In the Matter of the Application of Tenaska BioFuels Grain, L.L.C., Omaha, 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 Frank Landis, to grant the grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, 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)	\$	680.51
Sprint		55,503.12
Gerald Vap		958.80

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to purchase one (1) personal computer for the use of an employee in the Communications Department. 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 surplus Vehicle #13262, 2005 Ford Taurus (Dave Meyer). 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 Anne Boyle, to approve the Executive Director's recommendation to authorize John Burvainis and Steve Stovall to attend the DAS State Accounting Federal Grant Training Program June 1-2, 2011 in Lincoln with costs to be paid by the Broadband Mapping Grant. 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 authorize Mike Bartels to travel to and attend the Association of Grain Regulatory Officials (ARGO) Conference to be held in Cheyenne, Wyoming from July 23-28, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE.

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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 June 1, 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 30, 2011.

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Chairman

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Executive Director