

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner 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 May 24, 2011 on Page 10 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 1, 2011 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Rod Johnson entered the Commission Hearing Room.

Attention was called to the following proceedings:

#### Wednesday, June 1, 2011:

NG-0063/ Commission Hearing Room, Lincoln.  
PI-173 In the Matter of the Commission, on its own motion, seeking  
1:30 to investigate and refine filing requirements and establish  
further guidelines for prosecution of general rate applica  
tions. Commissioner Frank Landis presiding as Hearing  
Officer.

#### Monday, June 6, 2011:

NG-0066 Niobrara Conference Room, Lincoln. Planning Conference  
11:00 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. Persons wishing to participate in the  
Planning Conference by telephone may call 888-820-1398,  
access code 4207969#.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in May 2011. She reported there were a total of 43 complaints: 17 - wireline and 26 - wireless. The complaints were categorized as follows: 26 billing, 14 service and 3 miscellaneous issues.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund(NIEF). Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to accept the resignation of NIEF board member Dennis Hall. A second motion was made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to appoint Rick Nelsen to the NIEF Advisory Board. Motions passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand acknowledged the efforts of Dennis Hall and presented the Commission with a Resolution recognizing Mr. Hall's service. Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve a Resolution recognizing Dennis Hall's dedication and his service on the Nebraska Internet Enhancement Fund Advisory Board. 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 Frank Landis, to enter orders approving applications in Dockets C-4355 and C-4356. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4355 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking amendment to the Type 2 Wireless Interconnection Agreement with Pinpoint Wireless, Inc., Cambridge, previously approved in Docket C-2086.

C-4356 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking amendment to the Interconnection Agreement with Mobius Communications Company, Hemingford, previously approved in Docket C-2637.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter orders granting the applications in Dockets E-2284 and E-2285. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2284 In the Matter of the Application of TPW Petersburg, LLC, Petersburg, seeking authority to construct, operate and maintain electric transmission lines in Boone County.

E-2285 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Holt County.

Gene Hand reported that the Commission has been notified that our broadband mapping and planning grant for years 3-5 was amended for satisfaction of special award conditions.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported on the Regional Oversight Committee meeting held on May 24 and 25, 2011 at the offices of the Colorado Public Utilities Commission, Denver, Colorado.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.05 In the Matter of Sue Vanicek, Director of the Nebraska 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 Anne Boyle, seconded by Commissioner Frank Landis, to enter an order to dismiss in part. 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 Rod Johnson, to enter orders approving funding for the 2011-2012 Fiscal Year in Dockets 911-042.03, 911-042.22, and 911-042.24. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.03 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: Clay County.

911-042.22 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 Columbus.

911-042.24 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: Fillmore County.

911-052/  
PI-178 In the Matter of the Commission, on its own motion, seeking to investigate and establish policies for the advance of Enhanced Wireless 911 Funds to PSAPs for the purchases of equipment and software: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order opening the docket, seeking comments due July 1, 2011 and scheduling a hearing for July 12, 2011 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Boyle, Johnson, Landis, Schram and Vap voting AYE. Commissioner Vap was appointed as Hearing Officer.

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 waive late-fees for the late-filed KDDI remittance audit that was due March 31, 2011 but not received until May 19, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-4 In the Matter of the Commission, on its own motion, seeking 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 Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order setting the Nebraska USF surcharge rate for the 2011/2012 Fiscal Year. 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 dismissing the complaints in Dockets NUSF-37.247 and NUSF-37.248. 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 247 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Verizon Enterprise Solutions, LLC, Respondent(s).

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska 248 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Verizon Long Distance, LLC, Respondent(s).

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a Resolution recognizing Steve Meredith's service and contributions to the Nebraska Universal Service Fund Advisory Board. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the vacancy on the NUSF Advisory Board. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve seeking applications for the NUSF Advisory Board's vacancy. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter Assessment Orders in Dockets FC-1327, NG-0057, and NG-0060. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1327      In the Matter of the Formal Complaint of the Nebraska  
HS-0035      Public Advocate, seeking a determination that Kinder  
Morgan, Inc. and/or its successor in interest, SourceGas  
Distribution, LLC improperly implemented, billed and  
received payment for interim and final rates in NG-0036 for  
which customers are entitled to a credit or refund from  
Kinder Morgan, Inc. and/or SourceGas Distribution, LLC.  
Commissioner Jerry Vap presiding as Hearing Officer.

NG-0057      In the Matter of gas supply cost adjustment schedules  
HS-006      implemented by SourceGas Distribution LLC, Lakewood,  
Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*.  
Commissioner Jerry Vap presiding as Hearing Officer.

NG-0060      In the Matter of SourceGas Distribution LLC, Lakewood,  
HS-0017      Colorado, seeking approval of a general rate increase:  
HS-0021      Commissioner Rod Johnson presiding as Hearing Officer.

Laura Demman reported a total number of seven consumer complaints and inquiries received during May. For each company: Black Hills - 1; SourceGas - 5; NorthWestern - 0; and Other Entities - 1.

RULES AND REGULATION

Rule and      In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and  
#182      Regulations, to rewrite the chapter in its entirety: Motion  
made by Commissioner Jerry Vap, seconded by Commissioner  
Anne Boyle, to enter an order opening the docket, seeking comments due  
June 24, 2011 and scheduling a workshop for June 29, 2011 at 10:00  
a.m. in the Commission Hearing Room, Lincoln. 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.

LEGISLATIVE REPORT

Mike Hybl discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1472 In the Matter of Visinet, Inc., Omaha, Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an Order to Show Cause and schedule a hearing for June 21, 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. Commissioner Anne Boyle was appointed as Hearing Officer.

B-1572 In the Matter of Mark Hamilton, dba Interstate Extradition Services, Kearney, seeking a suspension of the Certificate of Convenience and Necessary issued in Application B-1572 until May 23, 2012: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the suspension until May 23, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1792 In the Matter of Todorovich Management, dba Starsky's, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party service between points in Nebraska over irregular routes: Motion made by Commissioner Anne Boyle, 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.

B-1798 In the Matter of Triumph Transportation, dba Prince of the Road, Kearney, seeking to acquire, through transfer, the authority held by R&F Hobbies dba Prince of the Road, Kearney, in Certificate B-1441, Supplement 2: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-391 In the Matter of Passenger Transportation, dba A & B Shuttle, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order granting the application as modified on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

BR-392 In the Matter of Todorovich Management, dba Starsky's, Omaha, seeking authority to set its rates and charges: Motion made by Commissioner Anne Boyle, 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.

TRANSPORTATION DEPARTMENT (Cont.)

Commissioner Rod Johnson left the Commission Hearing Room.

TR-185 In the Matter of Yellow Cab Company and Capital Cab Company dba Servant Cab Company, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order denying the application on an emergency basis. Upon agreement of all Commissioners, a hearing was scheduled for July 12, 2011, at 3:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. Commissioner Frank Landis 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 decreased to \$1.12 per mile, and the Tariff 22 fuel surcharge to \$7.60 per truck per trip.

Commissioner Rod Johnson entered the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

GW-2133 In the Matter of The Scoular Company, Hershey, Nebraska, seeking cancellation of their warehouse license: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to cancel their grain warehouse license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Grain Dealer Division

GD-2972 In the Matter of the Application of Louis Dreyfus Commodities LLC, Wilton, Connecticut, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to grant the grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Grain Warehouse Department

GW-2119 In the Matter of M.G. Waldbaum Company d/b/a Wayne Grain and Feed, seeking a waiver of the Commission's Rules and Regulations regarding net worth requirements for grain warehouses and to obtain a grain warehouse license in the State of Nebraska: Upon agreement of all Commissioners, the hearing will proceed as previously scheduled for June 28, 2011 at 1:30 p.m. in the Commission Hearing Room with Commissioner Rod Johnson presiding as Hearing Officer.

Commissioner Frank Landis left the Commission Hearing Room.

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, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

AS Central Services-Network Service	\$	2,958.22
The Daily Record		548.50
Data Source Media		703.10
Maurice Gene Hand		529.60
Tim Schram		571.20

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

A.G.N. Sales		463.70
Alternative Hearing		1,650.00
Amplified Phone Services		566.32
Associated Hearing Health Care		719.50
B Hear		3,863.14
Beltone		1,188.55
Dynavox Systems, LLC		1,094.62
Carl A. Johnson Junior		816.98
League of Human Dignity		559.80
Professional Hearing-Aid Services		923.81
Sherard Hearing Aid Center		1,285.20
Sprint Communications		199.99
Teltex, Inc.		2,387.32
The Hearing Clinic		470.00
U-Save Pharmacy & Medical		219.90
Weitbrecht Communications		1,822.12
Western ENT Associates PC		544.62
White's Hearing Aid Specialists		19,165.47

Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to renew the Commission's agreement with the Bureau of Business Research for the provision of economic analysis services. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to authorize Don Gray to travel to and attend the Industry Numbering Committee Meeting to be held in Overland Park, Kansas from June 27-30, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to authorize Steve Rowell to travel to and attend the USP Structural Connectors Design and Specification Seminar and Workshop to be held in Council Bluffs, Iowa, on June 14, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Anne Boyle, 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, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. The Commission entered into closed session at 11:01 a.m.

Commissioner Frank Landis entered the Commission Hearing Room during closed session.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, 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 11:15 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to remove an employee in the Grain Warehouse Department from probation. 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 11:17 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 14, 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 June 13, 2011.

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Chairman

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Executive Director