

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 announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. He also announced there would be no Commission meeting held on July 19, 2011.

GENERAL ADMINISTRATION

Notice was duly published July 5, 2011 on Page 3 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 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, July 12, 2011:

- 1:30 Commission Hearing Rom, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.
- 911-051/
PI-177 In the Matter of the Commission, on its own motion, seeking to investigate payments from the Enhanced Wireless 911 Fund for certain contracts for Geographical Information Systems (GIS) data services.
- 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.
- TR-185
3:00 Commission Hearing Room, Lincoln. In the Matter of Yellow Cab Company and Capital Cab Company, dba Servant Cab Company, Lincoln, seeking authority to adjust its rates and charges. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in June 2011. She reported there were a total of 52 complaints: 30 - wireline and 22 - wireless. The complaints were categorized as follows: 24 billing, 16 service and 12 miscellaneous issues.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter orders in Dockets FC-1348 and FC-1350 thru FC-1356 dismissing in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

- 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.
- 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.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting an extension in Docket E-2224 and granting an application in Docket E-2286. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2224 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

E-2286 In the Matter of the Application of Twin Valleys Public Power District, Cambridge, seeking authority to construct, operate and maintain electric transmission lines in Harlan County.

C-4334 In the Matter of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Mound, Minnesota, local rate increase: John Burvainis informed the Commission that a letter was sent July 8, 2011, stating there were not enough petitions received and the rate increase will go into effect as proposed.

C-4328/
PI-176 In the Matter of the Nebraska Public Service Commission, on 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: John Burvainis informed the Commission that a Hearing Officer order was entered July 1, 2011, extending the data request deadline until July 29, 2011.

John Burvainis discussed the Broadband Mapping/Planning Grant.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.05/
DC-178 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 Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order to dismiss the complaint, in part, and cancel the hearing previously scheduled for July 26, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-042.25 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 Services: Keith County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving funding for FY 2011-2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

911-042.41 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 Beatrice: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order scheduling a hearing for July 26, 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 Frank Landis was appointed as Hearing Officer.

911-042.59 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 Norfolk: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter a Nunc Pro Tunc order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

911-043.01 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 Services: Alltel Communications, LLC: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving withdrawal of a funding request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

911-053/ PI-180 In the Matter of the Commission, on its own motion, seeking to investigate and establish policies and procedures for the filing and auditing of enhanced wireless 911 quarterly reports pursuant to Neb. Rev. Stat. § 86-859: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order opening the docket and seeking comments due August 19, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

C-1628/NUSF In the Matter of the Commission, on its own motion, seeking PO #31 to conduct an investigation into intrastate access charge reform and intrastate universal service fund: Keystone-Arthur Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting Keystone-Arthur Telephone Company's request to change their election for the 2010 NUSF-EARN Form. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NUSF-25 In the Matter of the Nebraska Public Service Commission, on NUSF-66 its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support: Sue Vanicek discussed Orbitcom's request for an extension to July 12, 2011, to file its annual certification. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to grant the extension request. Motion passed with Commissioners 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 PO #4 its own motion, to make adjustments to the universal service fund mechanism established in NUSF-26: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order adopting benchmark calculation adjustments. Motion passed with Commissioners 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 its own motion, to make adjustments to the universal service fund mechanism established in NUSF-26: Keystone-Arthur Telephone Company: Sue Vanicek discussed Keystone-Arthur's request for an extension to file the NUSF-EARN form that was due June 30, 2011. Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant the extension request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NUSF-77/ In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the NUSF. Commissioner PO #3 Frank Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer order entered July 1, 2011, rescheduling the hearing from August 10, 2011 to August 8, 2011 at 9:30 a.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter Assessment Orders in Dockets FC-1327, NG-0046/PI-128, NG-0057, NG-0057.1, 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 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-0046/
PI-128 In the Matter of the Commission, on its own motion, seeking to investigate certain customer service issues and plans
HS-0016 relating to SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc., Lakewood, Colorado. Commissioner Jerry Vap presiding as Hearing Officer.

NG-0057 In the Matter of gas supply cost adjustment schedules
HS-007 implemented by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*. Commissioner Vap presiding as Hearing Officer.

NG-0057.1 In the Matter of 2010 gas supply cost adjustment schedules
HS-001 filed by SourceGas Distribution LLC, Lakewood, Colorado, pursuant to *Neb. Rev. Stat. sec. 66-1854*. Commissioner Vap presiding as Hearing Officer.

NG-0060 In the Matter of SourceGas Distribution LLC, Lakewood,
HS-0022 Colorado, seeking approval of a general rate increase.
through Commissioner Rod Johnson presiding as Hearing Officer.
HS-0026

Laura Demman reported a total number of 18 consumer complaints and inquiries received during June. For each company: Black Hills - 7; SourceGas - 8; NorthWestern - 1; and Other Entities - 2.

Laura Demman reported a total number of 172 consumer complaints and inquiries received during the past fiscal year. For each company: Black Hills - 45; SourceGas - 92; North-Western - 9; and Other Entities - 26.

RULES AND REGULATION

Rule and Regulation #161 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 1, Rules of Commission Procedure, to rewrite a substantial portion of the rules; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rule and Regulation #170 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 7, Transmission Lines Rules and Regulations, to adopt rules regarding wires crossing any railroad tracks at public highway crossings in the State of Nebraska in accordance with Neb. Rev. Stat §§ 75-702 to 75-724: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rule and Regulation #173 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Natural Gas and Pipeline Rules and Regulations, to adopt rules regarding General Rate Filings, Rate Principles, High Volume, Agriculture and Interruptible Ratepayers; Jurisdictional Utilities; Consumer Choice Program; Gas Supply Cost Adjustments; Seasonal Disconnections; Tariff Changes; and the Public Advocate: Angela Melton informed the Commission that the Governor signed the rules on June 28, 2011 and they became effective July 3, 2011.

Rule and Regulation #174 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, to adopt the 2009 edition of applicable code books and update related provisions, update definitional sections, add rules regarding alternating tread devices, update procedures regarding seal issuance, inspections, and plan review, general language clean up, and delete certain forms: Nichole Mulcahy informed the Commission that the Governor signed the rules on June 28, 2011 and they became effective July 3, 2011.

TRANSPORTATION DEPARTMENT

B-1377 In the Matter of Mid-America Coaches, Inc., dba Heartland Coaches, Beatrice: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order revoking the authority in Certificate B-1377 and canceling the hearing previously scheduled for July 13, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1519 In the Matter of Navigator Motorcoaches, Inc, Norfolk,
Supp. 1 seeking to acquire, through transfer, the authority granted
 to I-80 Eppley Express, Kearney, in Certificate B-1192:
Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod
Johnson, to enter an order granting the application and revoking Cer-
tificate B-1192. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

B-1645 In the Matter of R & A Transport, LLC, York, seeking
Supp. 1 authority as a common carrier in Nebraska intrastate com-
 merce in the transportation of passengers and their baggage
between all points in the state of Nebraska over irregular routes. RE-
STRICTION: The transportation of railroad train crews and their bag-
gage is not authorized. HHS Designation: Yes: Motion made by Commis-
sioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an
order granting the application as amended. Motion passed with Commis-
sioners 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 1: Motion made by Commissioner Anne
Boyle, seconded by Commissioner Frank Landis, to enter an order
granting the application and revoking Certificate B-1441, Supplement
1. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram, and Jerry Vap voting AYE.

M-14212 In the Matter of Freight Train Express, LLC, Omaha, seeking
 authority as a common carrier in Nebraska intrastate com-
merce in the transportation of household goods by straight truck in
the city of Omaha and a 50 mile radius thereof: Motion made by Com-
missioner Jerry Vap, 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.

Rate Division

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 \$1.10 per mile
and the tariff 22 fuel surcharge at \$7.40 per truck per trip.

Commissioner Frank Landis left the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders dismissing the complaints in Dockets GWC-428 and GDC-430. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting

GWC-428 In the Matter of John A. Fecht, Director Warehouse Department Nebraska Public Service Commission, Complainant v. Grain Place Foods, Inc., Marquette, Nebraska, Respondent.

GDC-430 In the Matter of John A. Fecht, Director Warehouse Department Nebraska Public Service Commission, Complainant v. Preferred Popcorn L.L.C., Chapman, Nebraska, Respondent.

GD-2970 In the Matter of the Application of Preferred Popcorn L.L.C., Chapman, Nebraska 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 Anne Boyle, to enter an order to grant the grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

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

AS Materiel-Purchasing Revolving Assessment FY 11-12	\$	4,508.00
AS Personnel-EAP FY 11-12		705.00
Voyager		2,004.40
Kent Pribyl		900.46
Tim Schram		138.72

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to purchase one laptop computer for use in the Commission Hearing Room. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

The meeting adjourned at 10:35 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Gerald Vap present and Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on July 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 July 25, 2011.

Chairman

Executive Director