

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 Tim 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 August 16, 2011 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 23, 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, August 23, 2011:

- 1:30 Commission Hearing Room, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.
- 911-002 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund.
- 911-042.06 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 Grand Island.

COMMUNICATIONS DEPARTMENT

- AD-524r In the Matter of the Application of Victory Enterprises, Inc., Davenport, Iowa, seeking authority to register the connection of an automatic dialing-announcing device in Davenport, Iowa: 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.
- C-4354/
DC-79 In the Matter of the Nebraska Public Service Commission regarding the 2010 Annual Report Filings. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order sustaining the complaint and dismissing in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4394 In the Matter of the Application of Clara Rolfes, Wynot, seeking authority to receive telephone service from the Obert exchange of the Northeast Nebraska Telephone Service: Motion made by Commissioner Anne Boyle, 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.

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, that the one-time waiver be issued to Golden West Telecom Co-op, Inc., NE Co Cellular, Inc. d/b/a Viaero, Telesphere Networks Ltd., FiberComm L.C., Allo Communciations and Plainview Telephone Company and that late-fees be levied against Allo Communciations and Plainview Telephone Company. 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 August 16, 2011, in the Formal Complaints listed below granting in part, denying in part, with second round discovery motions to compel. 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 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 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 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-1355 In the Matter of the Formal Complaint 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.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1356 In the Matter of the Formal Complaint 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.

Gene Hand informed the Commission that Windstream notified its business customers by letter dated August 17, 2011, of a proposed two dollar (\$2.00) increase in basic local exchange rates effective with customer bills mailed after November 21, 2011.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/
PI-118 In the Matter of the Commission, on its own motion, seeking to implement provision 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 Anne Boyle, to enter an order amending the payments to PSAPs and WSPs. 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
CA-001 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter Assessment Order CA-001. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

RULES AND REGULATION

Rule and Regulation to amend Title 291, Chapter 9, Natural Gas and Pipeline #179 Rules and Regulations, to adopt rules regarding General Rate Filings; Rate Principles' Affiliate Transactions and Tariff Filings: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order releasing a second set of proposed rules, seeking comments due September 23, 2011 and scheduling a hearing for October 12, 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.

TRANSPORTATION DEPARTMENT

B-1776 In the Matter of 360 Entertainment, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter service between points in Cass, Douglas, Sarpy, Washington, Lancaster, Saunders, Richardson, Seward, York, Hall, and Buffalo counties, and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. 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 dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

B-1783 In the Matter of the Application of T & T Limousine Service, LLC, Norfolk, 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. 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 Frank Landis, to enter an order granting the application as amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

B-1786 In the Matter of NIETO, LLC, Valentine, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by limousine between points in Sheridan, Dawes, and Cherry counties, and between points within said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. 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 Rod Johnson, to enter an order suspending the authority until August 12, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

LR-325 In the Matter of Night Life Limousine, Beatrice, seeking authority to establish transportation rates in Certificate B-1757 Supplement 4: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, 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.)

TR-182 In the Matter of Happy Cab Company, Checker Cab Company, Yellow Cab Company and DonMark, Inc., d/b/a Cornhusker Cab Company, Omaha, seeking authority to amend the Omaha area taxi rates by permitting the use of the TaxiPass QuikPay service in taxicabs in the Omaha area: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE. A concurring opinion was filed by Commissioner Anne Boyle and Chairman Tim Schram.

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: Mark Breiner informed the Commission the Tariff 7F and Tariff 22 surcharges remained unchanged at \$1.08 and \$7.20.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter orders in Dockets RVF-5, MODF-5, and MANF-4 opening the dockets and scheduling a hearing for September 27, 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 Tim Schram was appointed as Hearing Officer.

RVF-5 In the Matter of the Commission, on its own motion, seeking to determine the fees for the Recreational Vehicle Program.

MODF-5 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program.

MANF-4 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Manufactured Home Program.

GRAIN WAREHOUSE DEPARTMENT

GW-537 In the Matter of Cooperative Supply, Inc., Dodge: John Fecht discussed the shortage of corn.

GW-2119 In the Matter of M. G. Waldbaum Company d/b/a Wayne Grain and Feed, Wayne, seeking a waiver of the Commission's Rules and Regulations regarding net worth requirements for a grain warehouse and to obtain a Grain Warehouse license in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order to rescind the previously granted waiver. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram, and Jerry Vap voting AYE and Commissioner Rod Johnson voting NAY.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2181 In the Matter of Bancroft Grain, LLC, Bancroft: John Fecht discussed the shortage of soybeans.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Deputy 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	\$	22,797.00
Sprint		61,578.31

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	640.00
Amplified Phone Services		2,650.76
Associated Hearing Health Care		1,162.45
Beltone		2,788.54
Glassman's Hearing Aid Service		767.65
Hamilton Telecommunications		149.95
Harris Communications		1,029.80
Carl A. Johnson		2,313.19
Professional Hearing Aid Services		1,885.61
Sherard Hearing Aid Center		159.50
Sprint Communications		499.97
Talk To Me Technologies		2,000.00
Teltex Inc.		2,283.67
Weitbrecht Communications		2,438.16
White's Hearing Aid Specialists		134.99
Associated Hearing Health Care		240.00
League of Human Dignity		354.85
B Hear		2,750.75

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation to approve Commission minutes for July 2011. 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 authorize Commissioner Tim Schram to travel to and attend the 2011 National Association of State Relay Administration (NASRA) Conference to be held in Salt Lake City, Utah, from October 18-20, 2011. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to purchase computer software for use in the General Administration, Communications, and Nebraska Telecommunications Infrastructure and Public Safety Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

The meeting adjourned at 10:30 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 August 30, 2011, at 10:00 a.m. with an agenda to be available in the office of the Deputy Director at 10:00 a.m. on August 29, 2011.

Chair man

Deputy Director