

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. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published October 4, 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 on October 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 proceeding:

Wednesday, October 12, 2011:

Rule and Commission Hearing Room, Lincoln. Commissioner Frank Landis Regulation presiding as Hearing Officer.

#179 In the Matter of the Commission, on its own motion, seeking
1:30 to amend Title 291, Chapter 9, Natural Gas and Pipeline
Rules and Regulations, to adopt rules regarding General
Rate Filings; Rate Principles; Affiliate Transactions; and
Tariff Filings.

COMMUNICATIONS DEPARTMENT

AD-525 In the Matter of the Application of Community Venture
Group, LLC, Omaha, Nebraska, seeking authority to connect
an automatic dialing-announcing device: 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.

C-4401 In the Matter of Great Plains Communications, Inc., Blair,
seeking to amend its Access Service Catalog to add a new
rate element, Tandem Switching, to the tariff: Gene Hand informed the
Commission that the company's negotiation resulted in no modifications
to the initially filed rate. Motion made by Commissioner Frank Landis,
seconded by Commissioner Anne Boyle, to waive the additional negotia-
tion time. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram, and Jerry Vap voting AYE.

C-4407 In the Matter of the Application of New Edge Network, Inc.,
Vancouver, Washington, seeking authority to change a trade
name from New Edge Networks to EarthLink Business II: Motion made by
Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to
enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry
Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order dismissing the complaint and canceling the hearing previously scheduled for October 4 and 5, 2011 in Dockets FC-1348 and FC-1352. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

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-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 to intrastate switched access services:

Gene Hand reported on the draft Federal Communications Commission (FCC) order reforming universal service and intercarrier compensation expected to be voted on at the October 27, 2011 FCC meeting.

Gene Hand informed the Commission that the staff is reviewing results of our initial two year American Recovery and Reinvestment Act (ARRA) grant to determine how to best operationalize the subsequent grant for years 3-5.

Gene Hand reported that AT&T and its affiliate companies have filed to remove business services from the tariffs on file with the Commission pursuant to LB-257.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-055/
PI-182 In the Matter of the Commission, on its own motion, seeking to investigate and revise wireless tower testing standards and procedures pursuant to the Enhanced Wireless Services Act, Neb. Rev. Stat. § 86-442 et seq.: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order opening the docket, suspending notification requirements, in part, and seeking comments due on or before November 30, 2011. Commissioner Jerry Vap was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-32.10 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of NetOne International Inc. to comply with Commission rules or orders and to impose administrative fines: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order to initiate a Show Cause proceeding and schedule a hearing for December 6, 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.

NUSF-69.03 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: N.E. Colorado Cellular Inc. d/b/a/ Viaero Wireless:. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order to amend the previous order entered October 20, 2009 and approve payment to N.E. Cellular d/b/a Viaero Wireless. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NUSF-69.06 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: N.E. Colorado Cellular Inc. d/b/a/ Viaero Wireless: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order to amend the previous order entered November 3, 2010 and approve payment to N.E. Cellular d/b/a Viaero Wireless. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0026 In the Matter of American Gas Supply, Ltd. (Heartland), Houston, Texas, seeking authority, and to include Temporary Authority, for a Competitive Natural Gas Provider Certificate in the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order withdrawing authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NG-0066/ In the Matter of gas supply cost adjustment schedules
CA-002 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 No. CA-002. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

NG-0067 In the Matter of SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Jerry Vap presiding as Hearing Officer: Laura Demman discussed a Protective Order entered by the Hearing Officer on October 4, 2011, and an order entered by the Hearing Officer on October 6, 2011, scheduling a planning conference for November 7, 2011, at 10:00 a.m. CST in the Niobrara Conference Room, Lincoln.

NG-0068 In the Matter of SouthStar Energy Services LLC d/b/a Nebraska Consumers Gas, Atlanta, Georgia, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska. Commissioner Frank Landis presiding as Hearing Officer: Laura Demman discussed a Protective Order entered by the Hearing Officer on October 6, 2011.

RULES AND REGULATION

Rule and Regulation #171 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 10, Nebraska Universal Service Fund Rules and Regulations, to update the chapter in its entirety and to reorganize the chapter by the nature of the program supported by the NUSF. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order adopting the rules. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1772 In the Matter of A to B Transportation, Lincoln, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by van in open class service between points in Lancaster County, and between points within said county, on the one hand, and, on the other hand, points in Nebraska over irregular routes under contract with El Centro de Las Americas: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, 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-1796 In the Matter of Kerry Meyer, Aurora, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in Nebraska over irregular routes: Motion made by Commissioner Rod Johnson, 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.

TRANSPORTATION DEPARTMENT (Cont.)

B-1797 In the Matter of Price's Party Patrol, LLC, Lexington, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers by limousine in a 50 mile radius of Lexington, Nebraska. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: 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.

Rate Division

BR-395 In the Matter of Kevin M. Jones dba Jone-Z Party Bus, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, 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.

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 \$1.02 per mile, and the Tariff 22 fuel surcharge at \$6.64 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders setting fees for Dockets RVF-5, MODF-5, and MANF-4. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting Aye.

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.

Mark Luttich discussed and provided information on the department's financial status.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, 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.

Dept. of Labor	\$	3,058.00
UMB/Visa-Sate Purchasing Card		1,964.15
Voyager		2,066.91

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve Commission minutes for the month of September. 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 approve a contract for the inspection of modular housing unit and manufactured home factory inspections within the state of Nebraska. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

The meeting adjourned at 10:29 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 October 18, 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 October 17, 2011.

Chair man

Executive Director