

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram, and Gerald Vap present, and Commissioners Anne Boyle and Rod Johnson excused. 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 11, 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 18, 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.

COMMUNICATIONS DEPARTMENT

C-4406 In the Matter of the Application of DeltaCom, Inc., Grand Rapids, Michigan, seeking authority to add a trade name of EarthLink Business I: 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.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders dismissing the complaints in Dockets TRS-7 through TRS-10. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRS-7 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, v. Airespring, Inc., Van Nuys, California, Respondent.

TRS-8 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, v. Ernest Communications, Inc., Norcross, Georgia, Respondent.

TRS-9 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, v. Long Lines Siouxland LLC, Sergeant Bluff, Iowa, Respondent.

COMMUNICATIONS DEPARTMENT (Cont.)

TRS-10 In the Matter of Gene Hand, Director of Communications Department of the Nebraska Public Service Commission, Complainant, v. NOS Communications, Inc., Las Vegas, Nevada, Respondent.

Gene Hand informed the Commission that a request was received from Windstream Nebraska, Inc. on October 5, 2011, asking the Commission to overturn a denial by the Pooling Administrator for two contiguous thousands-block in the Lincoln rate center in support of an existing customer request for dedicated numbers. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve sending a letter requesting the Pooling Administrator to waive the requirements and issue the requested thousands-block to Windstream. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders granting applications E-2295 and E-2299. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

E-2295 In the Matter of the Application of Dawson Public Power District, Lexington, seeking authority to construct, operate and maintain an electric transmission line in Buffalo County:

E-2299 In the Matter of the Application of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County:

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, that one-time waivers be issued to Lightyear Network Solutions and Sagir, Inc. and that a late-fee be levied against NE Co. Cellular, Inc. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Gene Hand reported that LightSquared has confirmed they will be participating on the provider panel at the November 1 Broadband Conference to be held at the Cornhusker Hotel, Lincoln.

Gene Hand reported on the Federal Communications Commission (FCC) Call Termination workshop that began today at 8:15 a.m. CT.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1 In the Matter of the Nebraska Public Service Commission, on
PO #7 its own motion, seeking to establish guidelines for admini-
 stration of the Nebraska Universal Service Fund: Motion
made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson,
to approve deviation of remittance audit procedure language submitted
by Network Operator Services, Inc. Motion passed with Commissioners
Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and
Commissioner Anne Boyle excused not voting.

NUSF-33/
PI-68 In the Matter of the Commission, on its own motion, seeking
 to investigate the audit requirements related to the
 Nebraska Universal Service Fund: Motion made by Commis-
sioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an
order amending the October 4, 2011 audit waiver order. Motion passed
with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry
Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

NG-0013 In the Matter of the Commission, on its own motion, to
 evaluate and establish, on a quarterly basis, an assessment
for jurisdictional utilities pursuant to the State Natural Gas Regula-
tion Act [LB 790, 2003]. Commissioner Frank Landis presiding as Hear-
ing Officer: Motion made by Commissioner Frank Landis, seconded by
Commissioner Rod Johnson, to enter Progression Order No. 33. Motion
passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and
Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT

B-1802 In the Matter of Camelot Transportation, dba Prince of the
 Road, Kearney, seeking to acquire, through transfer, the
authority granted to R&F Hobbies, Inc., dba Prince of the Road,
Kearney, in Certificate B-1441: Motion made by Commissioner Rod John-
son, seconded by Commissioner Frank Landis, to enter an order granting
temporary operating authority. Motion passed with Commissioners Rod
Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Com-
missioner Anne Boyle excused not voting.

B-1806 In the Matter of TAA, LLC, Grand Island, seeking to acquire
 through transfer, the authority granted to Kravek, LLC, dba
Aquila Limo Services, Grand Island, in Certificate B-1758: Motion made
by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to
enter an order granting temporary operating authority. Motion passed
with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry
Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

LR-326 In the Matter of SMC Shared Mobility Coach, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 increased to \$1.08 per mile and the Tariff 22 to \$7.20 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

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: John Fecht informed the Commission that the matter was mistakenly put on the agenda.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

AS Central Services	\$	718.24
United States Post Office		615.13
University of Nebraska-ARRA Broadband Planning		108,605.98
West		1,029.48

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing		1,745.00
Amplified Phone Services		342.82
Beltone		663.75
Grand Island Hearing Aid Center		990.03
Hearing Aid Center of Columbus		143.95
Carl A. Johnson		177.21
Professional Hearing Aid Services		199.90
Sherard Hearing Aid Center		139.99
Talk to Me Technologies		1,000.00
Teltex Inc.		1,438.96
Hearing Clinic Inc		150.00
Weitbrecht Communications		695.56
Whites Hearing Aid Specialists		134.95

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to purchase three laptop computers to be utilized by the Grain Warehouse Department field staff with the purchase to be paid from the Grain Auditing Cash Fund. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to allocate the 2011-2012 direct assessment cap for SourceGas Distribution, LLC. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

For the 2011-2012 fiscal year, the SourceGas director assessment cap shall be preliminarily allocated as follows: Public Advocate expenses - \$276,505.86, of which \$251,641.69 has been assessed to date and Commission consulting expenses - \$130,000. The preliminary allocation shall be subject to future review and modification as necessary.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve a maximum assessment budget for the Public Advocate for purpose of consideration of the application of SourceGas Distribution, LLC. for a general rate increase in Docket NG-0067. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

For purposes of the consideration of the matter in Docket NG-0067, the Public Advocate shall be authorized a maximum assessment budget of \$375,000.

The meeting adjourned at 10:18 a.m. with Commissioners Rod Johnson, Frank Landis, Tim Schram, and Gerald Vap present, and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on October 25, 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 24, 2011.

Chair man

Executive Director