

Chairman Rod Johnson 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 Johnson 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 February 21, 2012 on page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 28, 2012 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

AD-530r In the Matter of the Application of Broadnet Teleservices, Highlands Ranch, Colorado, seeking authority to register the connection of an automatic dialing-announcing device in Aurora, Colorado: 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.

C-4448/  
NUSF-79 In the Matter of the Application of Pinpoint Wireless, Inc. d/b/a Blaze Wireless, Cambridge, seeking designation as a wireless Eligible Telecommunications Carrier: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter a protective order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Jerry Vap was appointed as Hearing Officer.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order on remand in Dockets FC-1332 and FC-1335. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Tim Schram presiding as Hearing Officer.

FC-1332 In the Matter of the Formal Complaint of Orbitcom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate switched access tariff:

FC-1335 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, seeking a determination that OrbitCom, Inc., Sioux Falls, South Dakota, failed to negotiate intrastate access charges and that OrbitCom's tariffed intrastate switched access rates are unfair and unreasonable.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4430 In the Matter of Citizens Telecommunications Company of Nebraska d/b/a Frontier Communications of Nebraska, Dallas, Pennsylvania, business rate increase: Gene Hand informed the Commission that an insufficient number of petitions were received to initiate a review of the proposed rate increase; therefore, a letter was sent February 28, 2012, informing Citizens Telecommunications Company of Nebraska that the rate increase could be implemented as proposed.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-042.28 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: Seward County: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order approving funding, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

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 911 Services Act, Neb. Rev. Stat. § 86-442 et seq: Sue Vanicek discussed the Hearing Officer's Order entered February 23, 2012, changing the workshop location to 200 The Atrium, 1200 N Street, Lincoln, Nebraska on April 10, 2012 at 1:30 p.m.

Sue Vanicek informed the Commission that the location of the next Wireless E-911 Advisory Board, scheduled for April 9, 2012 at 10:00 a.m. has been moved to the Platte Conference Room located in the Commission's offices.

Joan Raffety discussed the Middle Class Tax Relief and Job Creation Act of 2012 and its provisions for funding Next Generation 9-1-1.

NUSF-32.11 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules and Orders and to impose administrative fines: STI Prepaid: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter a show cause order and schedule a hearing for April 17, 2012 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.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
261 Telecommunications Infrastructure and Public Safety Depart-  
ment of the Nebraska Public Service Commission, Complain-  
ant, v. NetOne International, Inc., Respondent: Motion made by Com-  
missioner Anne Boyle, seconded by Commissioner Frank Landis, to enter  
an order dismissing the complaint. 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 Com-  
missioner Frank Landis, to enter orders extending the protest period  
for Dockets NUSF-77.01; PO #5 through NUSF-77.07; PO #5 to March 26,  
2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Frank  
Landis presiding as Hearing Officer.

NUSF-77.01 In the Matter of the Petition of the Nebraska Telecommuni-  
PO #5 cations Association for investigation and review of pro-  
cesses and procedures regarding the Nebraska Universal  
Service Fund: Application to the Nebraska Broadband Pilot  
Program (NEBP) received from Mobius Communications Company:

NUSF-77.02 In the Matter of the Petition of the Nebraska Telecommuni-  
PO #5 cations Association for investigation and review of pro-  
cesses and procedures regarding the Nebraska Universal  
Service Fund: Application to the Nebraska Broadband Pilot  
Program (NEBP) received from Citizens Telecommunications  
Company of Nebraska d/b/a Frontier Communications of  
Nebraska:

NUSF-77.03 In the Matter of the Petition of the Nebraska Telecommuni-  
PO #5 cations Association for investigation and review of pro-  
cesses and procedures regarding the Nebraska Universal  
Service Fund: Application to the Nebraska Broadband Pilot  
Program (NEBP) received from Nyecom Teleservices Inc./  
Plainview Telephone Company:

NUSF-77.04 In the Matter of the Petition of the Nebraska Telecommuni-  
PO #5 cations Association for investigation and review of pro-  
cesses and procedures regarding the Nebraska Universal  
Service Fund: Application to the Nebraska Broadband Pilot  
Program (NEBP) received from Great Plains Communications:

NUSF-77.05 In the Matter of the Petition of the Nebraska Telecommuni-  
PO #5 cations Association for investigation and review of pro-  
cesses and procedures regarding the Nebraska Universal  
Service Fund: Application to the Nebraska Broadband Pilot  
Program (NEBP) received from Consolidated Telephone  
Company:

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-77.06 In the Matter of the Petition of the Nebraska Telecommuni-  
PO #5 cations Association for investigation and review of pro-  
cesses and procedures regarding the Nebraska Universal  
Service Fund: Application to the Nebraska Broadband Pilot  
Program (NEBP) received from N.E. Colorado Cellular, Inc.,  
d/b/a Viaero Wireless:

NUSF-77.07 In the Matter of the Petition of the Nebraska Telecommuni-  
PO #5 cations Association for investigation and review of pro-  
cesses and procedures regarding the Nebraska Universal  
Service Fund: Application to the Nebraska Broadband Pilot  
Program (NEBP) received from CenturyLink:

NUSF-79/ In the Matter of the Application of Pinpoint Wireless, Inc.  
C-4448 d/b/a Blaze Wireless, Cambridge, seeking designation as a  
wireless Eligible Telecommunications Carrier: This matter  
was addressed during the Communication's Department agenda.

WC 11-42 Lifeline and LinkUp Reform and Modernization  
CC 96-45 Federal-State Joint Board on Universal Service  
WC 03-109 Lifeline and Link-up  
WC 12-23 Advancing Broadband Availability Through Digital Literacy  
Training: Sue Vanicek discussed the Federal Communications  
Commission (FCC) order reforming the Lifeline program and how it will  
impact the Nebraska Telephone Assistance Program.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remit-  
tances: Motion made by Commissioner Tim Schram, seconded by Commis-  
sioner Jerry Vap, to open a complaint against Coast to Coast, Inc.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Lan-  
dis, Tim Schram, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0066 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:  
Laura Demman discussed a Hearing Officer's order entered February 24,  
2012, releasing reports for comment and scheduling a hearing for  
April 3, 2012, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

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 Hearing Officer's order entered February 24, 2012, amend-  
ing the hearing schedule to commence on March 19, 2012, at 10:00 a.m.  
and continue as necessary through March 23, 2012, in the Commission  
Hearing Room, Lincoln, and to reflect that the hearing scheduled for  
March 20, 2012, shall commence at 1:30 p.m.

LEGISLATIVE

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

Upon agreement of all Commissioners, a hearing was scheduled for April 9, 2012, at 9:00 a.m.; April 10, 2012, at 10:00 a.m.; and April 11, 2012, at 9:00 a.m. for Dockets B-1121, B-1122, B-1215, B-1410 and B-1744. Commissioner Rod Johnson presiding as Hearing Officer.

B-1121            In the Matter of Happy Cab Co., dba Checker Cab Co., Omaha, Supp. 6            seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi in Lancaster County, and between points in Lancaster County, 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: Yes.

B-1122            In the Matter of Happy Cab dba Yellow Cab Co., Omaha, seeking Supp. 6            authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi in Lancaster County, and between points in Lancaster County, 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: Yes.

B-1215            In the Matter of Happy Cab Co., dba Happy Cab, Omaha, seeking Supp. 4            authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi in Lancaster County, and between points in Lancaster County, 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: Yes.

B-1410            In the Matter of DonMark, Inc., dba Cornhusker Cab Company, Supp. 1            Papillion, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi in Lancaster County, and between points in Lancaster County, 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: Yes.

TRANSPORTATION DEPARTMENT (Cont.)

B-1744        In the Matter of Valor Transportation Company, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi in Lancaster County, and between points in Lancaster County, 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: Yes.

B-1804        In the Matter of R & M Transportation, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van in Douglas, Sarpy, and Washington counties, and between points in said counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an Order to Show Cause and schedule a hearing for April 24, 2012, at 2:00 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 Schram was appointed as Hearing Officer.

M-14210       In the Matter of Umbrella House, Inc., dba Action Movers, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in and within a five mile radius of Omaha over irregular routes. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

M-14215       In the Matter of Able Corporation, Omaha, seeking to acquire, through transfer, the authority in Certificate M-13388: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the transfer and revoking Certificate M-13388. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

Rate Division

TR-189        In the Matter of City Taxi, Inc., Carter Lake, Iowa, seeking authority to set its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, 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.)

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 \$1.14 per mile and the Tariff 22 fuel surcharge to \$7.92 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-244 In the Matter of Ely's Incorporated, Guide Rock: John Fecht discussed the shortage of soybeans.

Grain Dealer Division

GD-2926 In the Matter of John A. Fecht, Director Warehouse Depart-  
GDC-432 ment, Nebraska Public Service Commission, Complainant v. Sunbird, Inc., Huron, South Dakota, Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint, cancelling license GD-2926 and cancelling the hearing previously scheduled for March 6, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GD-2981 In the Matter Sunbird Seed, Inc., Minnetonka, Minnesota, 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 Tim Schram, to enter an order granting a grain dealer license. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, 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.

AS Central Services-Network Services \$ 3,707.80

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to change the time of the April 10th Commission meeting from 10:00 a.m. to 9:00 a.m. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to purchase two new computers for the NTIPS and Housing Departments. 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 Tim Schram, to approve the Executive Director's recommendation to ratify the purchase of a new computer on February 23, 2012 for the Natural Gas Department. 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 approve the Executive Director's recommendation to authorize Kent Prybl to travel to Clay Center, Kansas, on March 6, 2012 to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes. 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 10:41 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 March 6, 2012, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on March 5, 2012.

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Chairman

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Executive Director