

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram, and Gerald Vap present and Commissioner Frank Landis excused. 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 August 21, 2012 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 August 28, 2012 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 28, 2012:

B-1298 Commission Hearing Room, Lincoln.
10:30 In the Matter of CABCO, Inc., Scottsbluff. Commissioner Jerry Vap presiding as Hearing Officer.

911-019/
PI-118 In the Matter of the Nebraska Public Service Commission, on
1:30 its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service. Commissioner Jerry Vap presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-4467/
DC-81 In the Matter of the Nebraska Public Service Commission regarding the 2011 Annual Report Filings. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order sustaining in part and dismissing in part the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

C-4499 In the Matter of the Application of Walter Fleer, Jr., Hoskins, seeking authority to receive telephone service from the Hoskins exchange of the Pierce Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4498 In the Matter of the Application of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking approval of a Resale Agreement with Spectrotel, Inc. d/b/a One Touch Communications d/b/a Touch Base Communications, Neptune, New Jersey: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders granting applications E-2317 and E-2318. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

E-2317 In the Matter of the Application of Northwest Rural Public Power District, Hays Springs, seeking authority to construct, operate and maintain an electric transmission line in Sheridan County.

E-2318 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 Tim Schram, seconded by Commissioner Jerry Vap, that one-time waivers be issued for JBN Telephone Company, Inc., Wholesale Carrier Services, Inc., Coast to Coast Cellular, Inc., Panasonic Corporation of North America and McLeodUSA Telecommunications Services, LLC, that late-fees be levied against Cozad Telephone Company, Ernest Communications Inc. and NOS Communications Inc., and a de minimis exception waiver granted to Lightyear Network Solutions LLC: Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Gene Hand informed the Commission that the Telecommunications Relay Surcharge (TRS) Advisory Committee will meet October 5, 2012, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

C-4426 In the Matter of the Application of Common Point, LLC, Springfield, Illinois, seeking to establish its initial access service tariff for access tandem switching. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a negotiation report was received from Common Point that there is no change to the proposed access rate. Notice was published and parties have until September 24, 2012, to file petitions seeking Public Service Commission review.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund. Gene hand informed the Commission that \$60.79 was transferred from the Competitive Marketplace Fund to the Internet Enhancement Fund on August 22, 2012.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.06 In the Matter of Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Cable USA III, LLC; Covista, Inc.; Crexendo Business Solutions, Inc.; DIECA Communications, Inc.; DSLNet Communications, LLC; Geneva Broadband, LLC; Ionex Communications North, Inc.; LH Telecom; Long Lines Siouxland, LLC; Midwestern Telecommunications, Inc.; NetTalk.Com, Inc.; Neutral Tandem-Nebraska, LLC; New Edge Network, Inc.; NOS Communications, Inc.; Reliant Communications, Inc.; inContact, Inc.; Velocity the Greatest Phone Company Ever, Inc.; Wholesale Carrier Services, Inc.; XO Communications, LLC, Respondent(s): Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint and canceling the hearing scheduled for September 18, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NUSF-1, In the Matter of the Nebraska Public Service Commission, on P.O. #7 its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: BW Telcom Long Distance; NebCon Partnership: Sue Vanicek discussed the deviation of remittance audit procedure language. Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to accept the third-party Agreed Upon Procedures as submitted. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. IDT America Corporation, Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Landis excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to levy late-fees against International Telcom, Ltd, Interface Security Systems and Telrite Corporation; that complaints be opened against Access One, Inc. and TTI National, Inc. and the current complaint against Net Talk.Com, Inc. be amended. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

NATURAL GAS DEPARTMENT

NG-0071 In the Matter of gas supply cost adjustment schedules
CA-004 implemented by NorthWestern Corporation, D/B/A NorthWestern Energy, Sioux Falls, South Dakota, pursuant to Neb. Rev. Stat. sec. 66-1854. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle to enter Assessment Order CA-004. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. Laura Demman discussed an order entered by the Hearing Officer on August 22, 2012, releasing the Commission consultant accounting report and extending the date until August 28, 2012, for releasing prudence report.

TRANSPORTATION DEPARTMENT

B-1581 In the Matter of Servant Cab Company LLC, dba Yellow Cab
Supp. 1 Company and Capital Cab Company, Lincoln, seeking authority as a common carrier in the transportation of passengers and their baggage by taxicab between points in Nebraska over irregular routes. RESTRICTION: The transportation of passengers and their baggage by taxicab originating from or point to point within any territory where a taxicab holds a certificate or permit, except Douglas, Sarpy and Washington Counties, is not authorized. HHS Designation: Yes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order scheduling an Oral Argument on the Motion for Rehearing and/or Reconsideration for August 29, 2012, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

B-1786 In the Matter of NIETO, LLC, Valentine: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an Order to Show Cause and schedule a hearing for September 25, 2012, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting. Commissioner Tim Schram was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1819 In the Matter of Teenie Weenie Buses, LLC, Omaha, seeking authority in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in the state of Nebraska. 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 Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

BR-406 In the Matter of Teenie Weenie Buses, LLC, Omaha, seeking authority to set its rates and charges: 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, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

TR-192 In the Matter of BJZ, Inc., dba Checker Cab Company, Norfolk, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis 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 \$1.20 per mile and the Tariff 22 fuel surcharge to \$8.36 per truck per trip.

HOUSING AND RECREATIONAL VEHICLES DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter orders setting fees for Dockets RVF-6, MODF-6 and MANF-5. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting Aye.

RVF-6 In the Matter of the Commission, on its own motion, seeking to determine the fees for the Recreational Vehicle Program.

MODF-6 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program.

MANF-5 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-2127/ In the Matter of John A. Fecht, Director Warehouse Depart-
GWC-434 ment Nebraska Public Service Commission, Complainant v. The
Scoular Company, Omaha, Nebraska Respondent: Motion made
by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to
approve the stipulation and enter an order dismissing the complaint
filed August 27, 2012. 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 Tim Schram, seconded by Commis-
sioner Anne Boyle, 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 Commis-
sioner Frank Landis excused not voting.

AS Central Services-Personnel	\$	812.65
AS Central Services-Network Services		4,791.28
Sprint		52,855.23
Rod Johnson		940.17
Gerald Vap		1,043.44

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Tim Schram, to authorize Commissioner Anne Boyle to travel to
and attend the CTIA MobileCON Conference to be held in San Diego,
California from October 9-10, 2011 with all expenses to be paid by
CTIA. Motion passed with Commissioners Rod Johnson, Tim Schram and
Jerry Vap voting AYE, and Commissioner Frank Landis excused not
voting.

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Tim Schram, to approve the Executive Director's recommendation
to enter into closed session to discuss personnel issues. Motion
passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and
Jerry Vap voting AYE, and Commissioner Frank Landis excused not
voting. The Commission entered into closed session at 10:27 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Tim Schram, to approve the Executive Director's recommendation
to return to open session. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commis-
sioner Frank Landis excused not voting. The Commission returned to
open session at 10:37 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to advance sick leave to an employee in the General Administration Department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

The Commission discussed the 2013-2014/2014-2015 agency budget submission.

The meeting adjourned at 11:10 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 September 5, 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 September 4, 2012.

Chairman

Executive Director