

Vice Chairman Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis and Tim Schram present and Commissioners Rod Johnson and Gerald Vap excused. Vice Chairman Boyle 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 September 18, 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 September 25, 2012 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, September 25, 2012:

B-1786 Commission Hearing Room, Lincoln.
1:30 In the Matter of NIETO, LLC, Valentine. Commissioner Tim Schram presiding as Hearing Officer.

Wednesday, September 26, 2012:

B-1810 Commission Hearing Room, Lincoln, and Grand Island Public
10:00 Library, 211 North Washington Street, Grand Island. In the Matter of Grand Island Party Bus (GIPB), Grand Island, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers by bus in charter and special party between points in Hall County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Commissioner Rod Johnson presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-4459.144/ In the Matter of the Nebraska Public Service Commission,
PI-185 on its own motion, to investigate and monitor compliance with federally mandated intercarrier compensation reform. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order entering a procedural notice. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Gene Hand reported on the status of this docket in relation to the Federal Communications Commission (FCC) order released August 31, 2012 Designating Times For Investigation (DA 12-1430).

COMMUNICATIONS DEPARTMENT (Cont.)

E-2321 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/ In the Matter of the Nebraska Public Service Commission, on
PI-118 its own motion, to implement provisions of LB 1222 [2006] and to establish a permanent funding mechanism for wireless enhanced 911 service: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order amending the attachment to the September 18, 2012 order. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-030. In the Matter of Sue Vanicek, Director of the Nebraska
39 Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. STI Prepaid, LLC, Respondent: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis to enter an order dismissing the complaint and canceling the hearing previously scheduled for October 10, 2012. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-042 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: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving adjusted payments for Dockets 911-042.37, 911-042.40, 911-042.48, and 911-042.70. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioner Rod Johnson excused not voting.

37 Morrill County
40 Mid Rivers 911 Center
48 Garden County
70 EDS 911

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-043 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders approving adjusted payments for Dockets 911-043.02, 911-043.03, 911-043.05, 911-043.06 and 911-043.07. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

02 U.S. Cellular
03 Sprint
05 Cricket Communications
06 N.E. Colorado Cellular dba Viaero
07 Pinpoint dba Blaze Wireless

NUSF-25, In the Matter of the Nebraska Public Service Commission, on P.O. #26 its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support, and:

NUSF-66 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram to enter an order certifying carriers eligible for federal high-cost support for the next funding year. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the filing of a petition and certification to opt out of the national Lifeline duplicates database. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

WC 11-42 Lifeline and Link Up Reform and Modernization
WC 03-109 Lifeline and Link Up
CC 96-45 Federal-State Joint Board on Universal Service
WC 12-23 Advancing Broadband Availability through Digital Literacy Training

NATURAL GAS DEPARTMENT

NG-0071 In the Matter of gas supply cost adjustment schedules
CA-005 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 Frank Landis, seconded by Commissioner Tim Schram to enter Assessment Order CA-005. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

NG-0039 In the Matter of the joint application of Kinder Morgan, Inc., Houston, Texas; KM Retail Utilities Holdco LLC, Houston, Texas; Source Gas Distribution LLC, Lakewood, Colorado, Source Gas Holdings LLC, Stamford, Connecticut; and Source Gas LLC, Stamford, Connecticut; seeking approval of (1) the proposed transfer of Kinder Morgan, Inc.'s Nebraska Certificate of Convenience and utility assets to Source Gas Distribution LLC; and (2) the proposed change of control of Source Gas Distribution LLC from Kinder Morgan, Inc. to Source Gas LLC. Commissioner Vap presiding as Hearing Officer: Laura Demman discussed an order entered by the Hearing Officer on September 18, 2012, seeking comment by October 1, 2012, on SourceGas Motion to Discontinue Reporting.

NG-0071 In the Matter of gas supply cost adjustment schedules
 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: Laura Demman discussed written testimony distributed to the service list on September 19, 2012.

LEGISLATIVE

 Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve the 2012 Annual Report to the Legislature. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

 Mike Hybl informed the Commission that the public hearing on LR 501, Urban Affairs Committee, will be held on September 28, 2012 at 1:30 p.m. in Room 1117, State Capitol.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 5, Telecommunications Rules and #186 Regulations, to adopt rules in accordance with Nebraska Legislative Bill 715 [2012]: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order opening the docket and seeking comments due October 26, 2012. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Frank Landis was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1818 In the Matter of Casino Cab Company, LLC, Council Bluffs, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers between points by taxi in Douglas and Sarpy counties over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Commissioner Anne Boyle was appointed ASHearing Officer.

Rate Division

BR-408 In the Matter of Emerald Limousine, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

LR-332 In the Matter of Limousine Services, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap 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 decreased to \$1.16 per mile and the Tariff 22 fuel surcharge to \$8.12 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-22 In the Matter of the attached list of applicants, seeking
etal authority as a grain warehouses pursuant to Neb. Rev. Stat.
 Section 88-527: John Fecht presented a list of grain
warehouse renewal applications for the third quarter.

GW-378 In the Matter of Battle Creek Farmers Coop Non Stock,
 Battle Creek, NE seeking cancellation of warhouse receipts:
John Fecht presented the applications to cancel lost grain warehouse
receipt Nos. B691486 through B691495. Receipts were lost by licensee,
collateral has been purchased by the warehouse and settlement was made
to the creditor. Motion made by Commissioner Tim Schram, seconded by
Commissioner Frank Landis, to cancel lost grain warehouse receipt Nos.
B691486 through B691495. Motion passed with Commissioners Anne Boyle,
Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson
and Jerry Vap excused not voting.

GW-985 In the Matter of the Application of All Points Cooperative,
 Gothenburg, NE seeking a \$25,000.00 deductible on its stock
insurance: Motion made by Commissioner Frank Landis, seconded by Com-
missioner Tim Schram, to enter an order granting a waiver for stock
insurance deductible increase to \$25,000.00. Motion passed with Com-
missioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and
Commissioners Rod Johnson and Jerry Vap excused not voting.

GW-2189 In the Matter of the Application of Bossen Livestock Com-
 pany, dba Bossen Feeding Company, Arcadia, NE, seeking
authority as a grain warehouses pursuant to Neb. Rev. Stat. Section
88-527: Motion made by Commissioner Frank Landis, seconded by Commis-
sioner Tim Schram, to enter an order granting the warehosue license.
Motion passed with Commissioners Anne Boyle, Frank Landis and Tim
Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused
not voting.

Grain Dealer Division

GD-22 In the Matter of the attached list of applicants, seeking
etal authority as a grain dealer pursuant to Neb. Rev. Stat.
 Section 75-903 (Reissue 1996): John Fecht presented a
list of grain dealer renewal applications for the third quarter.

GWC-433 In the Matter of John A. Fecht, Director, Warehouse Depart-
 ment Nebraska Public Service Commission, Complainant v.
Mosher's Organic Grain Co., L.L.C., Bushnell, NE, Respondent: The
Commission was notified of the service of a subpoena duces tecum on
the matter.

GENERAL ADMINISTRATION

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

AS Central Services-Personnel-SOS B19	\$	812.72
AS Central Services-Risk Management		3,273.11
Holiday Inn Express, Norfolk, NE		539.00
Sprint Relay		49,057.12
Frank Landis		53.28

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. The Commission entered into closed session at 10:36 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. The Commission returned to open session at 10:48 a.m.

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

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to reclassify an NTIPS Department employee from non-exempt to exempt status. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

The meeting adjourned at 10:50 a.m. with Commissioners Anne Boyle, Frank Landis and Tim Schram present and Commissioners Rod Johnson and Gerald Vap excused. The next regularly scheduled meeting will be held on October 2, 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 October 1, 2012.

Chairman

Executive Director