

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Gerald Vap and Tim Schram 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. Announcements stated there will be no Commission meeting the week of November 12-16 and the Commission meeting will be held on Monday, November 19 instead of Tuesday, November 20.

#### GENERAL ADMINISTRATION

Notice was duly published October 30, 2012 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 7, 2012 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in October 2012. She reported there were a total of 27 complaints: 20 wireline and 7 wireless. The complaints were categorized as follows: 11 billing, 12 service and 4 miscellaneous issues.

C-4524 In the Matter of the Application of Zone Telecom, LLC, Springfield, Illinois, seeking authority to operate as a reseller of local exchange telecommunications services within the State of Nebraska: 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.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter orders granting applications E-2323 thru E-2325. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2323 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Madison County.

E-2324 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte and Colfax Counties.

E-2325 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Sheridan County.

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 \$3,066.16 was transferred from the Competitive Marketplace Fund to the Internet Enhancement Fund on November 6, 2012.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter orders dismissing the complaints in Dockets NUSF-037.259, NUSF-37.279, NUSF-37.280, and NUSF 37.281. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
259 Telecommunications Infrastructure and Public Safety  
Department of the Nebraska Public Service Commission,  
Complainant, v. STI Prepaid, LLC, Respondent(s).

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
279 Telecommunications Infrastructure and Public Safety  
Department of the Nebraska Public Service Commission,  
Complainant, v. Cincinnati Bell Any Distance, Inc.,  
Respondent(s).

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
280 Telecommunications Infrastructure and Public Safety  
Department of the Nebraska Public Service Commission,  
Complainant, v. GoSolo Technologies, Inc., Respondent(s).

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska  
281 Telecommunications Infrastructure and Public Safety  
Department of the Nebraska Public Service Commission,  
Complainant, v. Network Communications International  
Corporation, Respondent(s).

NUSF-33/  
PI-68 In the Matter of the Nebraska Public Service Commission, on  
its own motion, seeking to investigate the audit require-  
ments related to the Nebraska Universal Service Fund:  
Motion made by Commissioner Tim Schram, seconded by Commissioner Frank  
Landis, to enter an order approving late-filed audit waiver requests.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order in Dockets NUSF-77, NUSF-69, and NUSF-26 establishing a procedural schedule, scheduling a hearing for December 4, 2012 at 2:00 p.m. in the Commission Hearing Room, Lincoln and permitting post-hearing comments on or before December 19, 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, PO #6 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund.

NUSF-69 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.

NUSF-26 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish a long-term universal service funding mechanism:

NATURAL GAS DEPARTMENT

NG-0067 In the Matter of SourceGas Distribution, Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Jerry Vap presiding as Hearing Officer: Laura Demman discussed SourceGas filing Final Reconciliation of Refunds on October 26, 2012.

Laura Demman discussed SourceGas Distribution's filing of a proposed tariff to be effective January 1, 2013, to adjust the customer charges applicable to all customers served under Rate Schedule CGS (Choice Gas Service) and Rate Schedule ACGS-NSS (Agricultural Choice Gas Service - Non-Seasonal Service) of \$0.20, providing a new HEAT Charge of \$0.74.

Laura Demman reported a total number of 9 consumer complaints and inquiries received during October. For each company: Black Hills - 3; SourceGas - 1; NorthWestern - 1; and Other Entities 4.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 9, Natural Gas and Pipeline  
#183 Rules and Regulations, to adopt rules regarding pipelines  
and to implement the provisions of the Major Oil Pipeline  
Siting Act. Commissioner Jerry Vap presiding as Hearing Officer:  
Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne  
Boyle, to enter an order issuing a Certificate of Adoption of the  
third set of proposed rules. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 14, Recreational Vehicles Rules  
#189 and Regulations, to adopt rules in accordance with Nebraska  
Legislative Bill 751 [2012]: Motion made by Commissioner  
Jerry Vap, seconded by Commissioner Tim Schram, to enter an order  
opening the docket, releasing proposed rules, seeking comments due  
December 7, 2012, and scheduling a hearing for December 11, 2012 at  
11:00 a.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 Tim Schram was appointed as Hearing  
Officer.

TRANSPORTATION DEPARTMENT

B-1705 In the Matter of Champion Homes of Hastings, LLC, Hastings,  
Supp. 1 seeking authority as a common carrier in Nebraska intra-  
state commerce in the transportation of passengers and  
their baggage by vans and wheelchair vans that are clients of AMR/  
Access 2 care, between points in Adams, Hall, Buffalo, Kearney,  
Franklin, Webster, Nuckolls, Clay, Hamilton Fillmore Seward, Saline,  
Lancaster, Saunders & Dodge counties, on the one hand, and, on the  
other hand, points in Nebraska over irregular routes. RESTRICTIONS:  
The transportation of railroad crews and their baggage is not author-  
ized. HHS Designation: Yes. Upon agreement of all Commissioners, a  
hearing was scheduled for January 8, 2013 at 1:00 p.m. and January 9,  
2013, at 9:30 a.m. in the Commission Hearing Room, Lincoln. Commis-  
sioner Rod Johnson was appointed as Hearing Officer.

B-1789 In the Matter of Safe Knights, Inc., Omaha: Motion made by  
Commissioner Tim Schram, 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.

B-1813 In the Matter of Tri-County Public Transportation, LLC,  
Schuyler: Motion made by Commissioner Anne Boyle, seconded  
by Commissioner Frank Landis, to enter an order dismissing the appli-  
cation. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

MCC-3180 In the Matter of Mark J. Breiner, Director of the Motor Transportation Department of the Nebraska Public Service Commission, Complainant, v. Limousine Services, LLC, Defendant: Mark Breiner informed the Commission that a complaint was filed for illegal use of rented vehicles.

Railroad Division

R-185 In the Matter of Adams Building Contractors, Jackson, Michigan, seeking a waiver from the eight foot, six inch horizontal clearance regulation for a rail loop system at a grain elevator siting in Anselmo, Nebraska: Upon agreement of all Commissioners, a hearing was scheduled for November 19, 2012, at 2:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Vap was appointed as Hearing Officer.

Rate Division

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 \$8.00 per truck per trip.

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.

Attorney General	\$	2,722.00
University of Nebraska-Broadband Planning		258,702.61
Ted Burkey		5,400.50
Hurlbert CPA		16,200.00
Fred Massing		1,130.00
Fred Massing		910.00
Kent Pribyl		845.72
Steve Stovall		847.67
Anne Boyle		732.60
Rod Johnson		882.39
Tim Schram		490.62

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to purchase six (6) computer monitors. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Mike Hybl discussed RFQ #3101 - Nebraska Public Advocate.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:17 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:29 a.m.

The Commission recessed at 10:30 a.m.

The Commission reconvened at 10:37 a.m.

Cheryl Elton gave a demonstration of the new Public Service Commission website to the Commissioners, staff and industry.

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The meeting adjourned at 10:57 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present. The next regularly scheduled meeting will be held on November 19, 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 November 16, 2012.

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Chairman

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Executive Director