

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present and Commissioner Anne Boyle 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 November 13, 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 November 19, 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:

Monday, November 19, 2012:

Commission Hearing Room, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.

1:30            In the Matter of the Commission, on its own motion, seeking  
911-045/       to investigate the requirements, costs and impact of the  
PI-166        implementation of Next Generation 911 in Nebraska relating  
                 to the provision of Enhanced Wireless 911 Service.

2:00            In the Matter of Adams Building Contractors, Jackson,  
R-185         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. Commissioner  
                 Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-4522        In the Matter of the Application of Alltel Communications  
                 of Nebraska, Inc. d/b/a Verizon Wireless, Minneapolis,  
Minnesota, seeking authority to relinquish its eligible telecommunica-  
tions carrier designation: Motion made by Commissioner Frank Landis,  
seconded by Commissioner Tim Schram, 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.

C-4525        In the Matter of the Application of New Horizons Communica-  
                 tions Corp., Lexington, Massachusetts, seeking authority to  
provide resold and facilities-based/UNE local exchange telecommunica-  
tions services within the State of Nebraska: Motion made by Commis-  
sioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an  
order granting the application. Motion passed with Commissioners Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE and Commis-  
sioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4526 In the Matter of the Joint Application of DeltaCom, Inc. and New Edge Network Inc., Burlington, Massachusetts, seeking name changes to DeltaCom, LLC and EarthLink Business, LLC and approval of certain Pro Forma Intra-Company Changes: Motion made by Commissioner Tim Schram, 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.

C-4527 In the Matter of the Application of PBN, LLC, Pierce, seeking authority to provide facilities-based competitive local exchange telecommunications services within the State of Nebraska: 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.

C-4529 In the Matter of Dex One Corporation seeking a Declaratory Ruling that Neb. Admin. Code, Title 291, Chap. 5, §002.22A is satisfied by delivery of a directory only to access line customers who affirmatively request one: Commissioner Anne Boyle was appointed as Hearing officer.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders granting applications E-2326, E-2327 and E-2329. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

E-2326 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.

E-2327 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-2329 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Scottsbluff County.

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, that a one-time waiver be issued to NetTalk.com, Inc. and Intercall Communications dba West IP Comm., Inc. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported that 34 Nebraskans have provided feedback relative to their current broadband service using the broadband website over the past week. He also shared information from a Wireless Internet Service Providers Association (WISPA) email whereby the association is seeking to facilitate better communications with state and national government entities concerned with broadband development and mapping.

Steve Stovall reported on the National Association for State Relay Administration (NASRA) Conference held in Lake Buena Vista, Florida from October 21-26, 2012 and provided updates on other Telecommunications Relay Service (TRS) issues.

Commissioner Frank Landis exited and re-entered the Commission Hearing Room.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for December 5, 2012 at 10:00 a.m. in the Commission Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Tim Schram was appointed as Hearing Officer.

911-042.38 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: Washington County.

911-042.49 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: Douglas County.

NUSF-69.08 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: Petition received July 1, 2011 from Long Lines Wireless, LLC: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order denying the application for support. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

WC Docket No. 11-42 Lifeline and Link Up Reform and Modernization.  
WC Docket No. 03-109 Lifeline and Link Up.  
CC Docket No. 96-45 Federal-State Joint Board on Universal Service.  
WC Docket No. 12-23 Advancing Broadband Availability through Digital  
Literacy Training: Sue Vanicek discussed the  
Federal dockets: Motion made by Commissioner Frank Landis, seconded  
by Commissioner Tim Schram, to withdraw a petition and certification  
to opt out of the National Lifeline duplicates database. Motion passed  
with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap  
voting AYE, and Commissioner Anne Boyle excused not voting.

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  
#187 Regulations, to add rules regarding adequacy of service and  
prohibiting call blocking and choking. Commissioner Frank  
Landis presiding as Hearing Officer: Motion made by Commissioner Frank  
Landis, seconded by Commissioner Jerry Vap, to enter an order releas-  
ing the second set of proposed rules and seeking comments due on  
December 21, 2012 at 3:00 p.m. 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-1769 In the Matter of Emerald Limousine, Inc., Omaha, seeking to  
Supp. 3 extend the authority as a common carrier in Nebraska intra-  
state commerce in the transportation of passengers in  
limousine service by vans and SUVs over irregular routes within a 250  
mile radius of Omaha, Nebraska. RESTRICTION: The transportation of  
railroad train crews and their baggage is not authorized. The certi-  
ficate holder shall maintain a listing of its services in the Yellow  
Pages of the telephone directory serving Dakota City: Upon agreement  
of all Commissioners present, a video hearing was scheduled for  
December 19, 2012, at 10:00 a.m. in the Commission Hearing Room,  
Lincoln and the Nebraska State Office Building, Room 207, 1313 Farnam,  
Omaha. Commissioner Anne Boyle was appointed as Hearing Officer.

B-1810 In the Matter of Grand Island Party Bus (GIPB), Grand  
Island, seeking authority as a common carrier in Nebraska  
intrastate 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: Motion made by  
Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter  
an order granting the application as modified. 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.)

B-1822 In the Matter of Executive Coach, LLC, Paxton, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers (up to 20) by luxury bus/motor home, or van in charter and special party between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an Order to Show Cause and schedule a hearing for January 15, 2013, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Jerry Vap was appointed as Hearing Officer.

B-1824 In the Matter of TNM, LLC, dba Goodwill Medical Transportation, Omaha, seeking to acquire, through transfer, the authority held by T. Blakey Enterprises, LLC, dba Goodwill Medical Transportation. RESTRICTION: The railroad train crews and their baggage is not authorized. HHS Designation: Yes: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an Order to Show Cause and schedule a hearing for January 15, 2013, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. Commissioner Anne Boyle 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 fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The Tariff 7F fuel surcharge was decreased to \$1.10 per mile and the Tariff 22 fuel surcharge to \$7.40 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2186 In the Matter of the Application of Green Plains Grain Company LLC, Omaha, NE requesting a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting a \$25,000.00 deductible on the stock insurance. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-2915 In the Matter of Ahrens Grain L.L.C., Murray, NE requesting cancellation of their grain dealer license: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to cancel the grain dealer license effective November 19, 2012. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, 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-SOS	\$	1,635.92
AS Central Services		986.58
AS Central Services		1,439.24
AS Materiel		575.17
Midwest Unlimited		1,449.00
Sprint		48,372.45
TechDepot		938.10
Thomson Reuters		1,080.95
Voyager		1,690.71
Anne Boyle		770.50

The following invoices were paid between November 6 and 16, 2012 and should be ratified:

AS Central Services-OCIO	\$	986.58
AS Central Services-Printing		1,439.24
AS Personnel-SOS		1,635.92
Midwest Unlimited		1,449.00
Thibault, Suhr & Thibault, Inc.		800.60
Voyager		1,690.71

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	900.66
Amplified Phone Services		325.29
Beltone		2,091.23
Dynavox Systems		872.39
Glassmans Hearing Aid Technology		578.30
Grace Hearing Instruments		59.95
Grand Island Hearing		722.28
Hamilton Telephone Company		151.87
Harris Communications		170.95
Hearing Aid Center of Columbus		85.55

GENERAL ADMINISTRATION (Cont.)

The Hearing Clinic	\$	1,284.02
Carl A. Johnson		770.13
Professional Hearing Aid Services		620.33
Sherard Hearing Aid Center		1,120.88
Teltex, Inc.		181.20
Weitbrecht Communications		894.11
White's Haring Aid Specialists		601.25

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve Commission minutes for the month of October 2012. 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 Tim Schram, to approve the Executive Director's recommendation to ratify a contract with Erickson & Sederstrom, P.C., L.L.O. to serve as the Public Advocate under the State Natural Gas Regulation Act commencing November 15, 2012. 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 Tim Schram, to approve the Executive Director's recommendation to purchase safety equipment for the Grain Warehouse Department examiners to be purchased 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 Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission entered into closed session at 10:28 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission returned to open session at 10:31 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to ratify the Executive Director's hiring of Caleb Lammers to fill the vacancy of Grain Warehouse Examiner with a start date to be determined later. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 10:33 a.m. with Commissioners Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present, and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on November 27, 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 26, 2012.

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Chairman

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Executive Director