

Vice Chair Frank Landis 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 Anne Boyle excused. Vice Chair Landis 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 19, 2013 on Page 3 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 26, 2013 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

C-4529/  
DR-0005 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 presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order adopting the opinions and findings of the order. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4571/  
NUSF-88 In the Matter of the Application of Telrite Corporation, d/b/a Life for Designation Wireless as an Eligible Telecommunications Carrier in the State of Nebraska for the Limited Purpose of Offering Wireless Lifeline Service to Qualified Households (Low Income Only): Commissioner Rod Johnson was appointed as Hearing Officer.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter orders cancelling applications E-2275, E-2285 and E-2289 and extending the construction schedule in E-2279. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

E-2275 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Boone and Wheeler Counties.

E-2279 In the Matter of the Application of Northwest Rural Public Power District, Hay Springs, seeking authority to construct, operate and maintain an electric transmission line in Sheridan County.

COMMUNICATIONS DEPARTMENT (Cont.)

- E-2285 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Holt County.
- E-2289 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Polk and Merrick Counties.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-88/  
c-4571 In the Matter of the Application of Telrite Corporation d/b/a Life Wireless seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the limited purpose of participating in the Lifeline Program: This matter was addressed under the Communications Department agenda.

RULES AND REGULATIONS

Rule and Regulation #186 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 715 [2012]. Commissioner Frank Landis presiding as Hearing Officer: Nichole Mulcahy informed the Commission that the final set of rules was delivered to the Attorney General on February 21, 2013.

Rule and Regulation #187 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding adequacy of service and prohibiting call blocking and choking. Commissioner Frank Landis presiding as Hearing Officer: Nichole Mulcahy informed the Commission that a Hearing Officer's order was entered rescheduling the hearing from March 19, 2013 to April 9, 2013 at 2:00 p.m. in the Commission Hearing Room, Lincoln, with comments Due March 29, 2013.

Rule and Regulation #190 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 1091 [2012] and regarding electronic remittances. Commissioner Tim Schram presiding as Hearing Officer: Nichole Mulcahy informed the Commission that the final set of rules was delivered to the Attorney General on February 22, 2013.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1826 In the Matter of Elite Limo of Omaha, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine in a 100 mile radius of Omaha, Nebraska, and between points in the 100 mile radius, 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: No. Commissioner Anne Boyle presiding as Hearing Officer: Mark Breiner informed the Commission that a Hearing Officer's Order was entered February 20, 2013 scheduling a hearing for May 1, 2013, at 9:30 a.m. in the Commission Hearing Room, Lincoln.

B-1831 In the Matter of JH Transport, LLC, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in Lancaster, Saunders, Seward, Gage, Saline, and Platte counties, and between points within such counties, 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: No: Motion made by Commissioner Rod Johnson, 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.

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 retained at \$1.16 per mile and the Tariff 22 at \$8.12 per truck per trip.

GENERAL ADMINISTRATION

Commissioner Anne Boyle entered the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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.

Dell Marketing	\$637.00
Dell Marketing	637.00
Gerald Vap	796.68

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to authorize the purchase of two OCI Symphony Club chairs for use in the General Administration department. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Angela Melton discussed the Appropriations Committee Budget Recommendations.

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The meeting adjourned at 10:21 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 March 5, 2013 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 4, 2013.

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Chair

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Executive Director