

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 Commissioner 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 April 30, 2013 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 7, 2013 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, May 7, 2013:

1:30 Commission Hearing Room, Lincoln  
Schedule A & E Rates

2:00 Commission Hearing Room, Lincoln  
C-4571/ In the Matter of the Application of Telrite Corporation  
NUSF-88 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 presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in April 2013. She reported there were a total of 57 complaints: 39 wireline and 18 wireless. The complaints were categorized as 21 billing, 26 service and 10 miscellaneous issues.

C-4570/ In the Matter of the Application of Nexus Communications,  
NUSF-87 Inc., Columbus, Ohio, for designation as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. 214 € for low income support only. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter a pro hac vice order. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-4597 In the Matter of the Application of Securus Technologies, Inc., Dallas, Texas, seeking approval of issuance of debt and related financing transactions: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4602/  
DC-83 In the Matter of the Nebraska Public Service Commission regarding the 2012 Annual Report Filings: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order opening the docket. 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.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter a Supplemental Order on Remand for FC-1332 and FC-1335. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1332 In the Matter of the Formal Complaint of Orbitcom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by Orbitcom in accordance with Orbitcom's intrastate switched access tariff.

FC-1335 In the Matter of the Formal Complaint of AT&T Communications of the Midwest, Inc., Denver, Colorado, seeking a determination that OrbitCom, Inc., Sioux Falls, South Dakota, failed to negotiate intrastate access charges and that OrbitCom's tariffed intrastate switched access rates are unfair and unreasonable.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders granting applications E-2347 through E-2349. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

E-2347 In the Matter of the Application of Prairie Breeze Wind Energy LLC, Chicago, Illinois, seeking authority to construct, operate and maintain electric transmission lines in Antelope and Boone Counties.

E-2348 In the Matter of the Application of Prairie Breeze Wind Energy LLC, Chicago, Illinois, seeking authority to construct, operate and maintain electric transmission lines in Antelope and Madison Counties.

E-2349 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Lincoln County.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported that President Obama's proposed budget does not include funding for the State Broadband Initiative (SBI) beyond December 31, 2014.

Gene Hand provided information regarding pending rate increases proposed by Cox Nebraska Telcom, LLC (C-4548) and Lakeland Estates Water Company (W-012).

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. Commissioner Jerry Vap presiding as Hearing  
Officer: Motion made by Commissioner Jerry Vap, seconded by Commis-  
sioner Rod Johnson, to enter an order authorizing payments. Motion  
passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and  
Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

911-042.02 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: Dodge County: Motion made by Commis-  
sioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an  
order scheduling a hearing for May 22, 2013 at 10:00 a.m. in the Com-  
mission Hearing Room, Lincoln. Motion passed with Commissioners Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Com-  
missioner 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: Motion made by Com-  
missioner Tim Schram, seconded by Commissioner Rod Johnson, to enter  
an order scheduling a hearing for May 22, 2013 at 10:00 a.m. in the  
Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod  
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Com-  
missioner Anne Boyle excused not voting. Commissioner Tim Schram was  
appointed as Hearing Officer.

Motion made by Commissioner Rod Johnson, seconded by Com-  
missioner Tim Schram, to enter orders approving use of funding in  
Docket 911-042.19 in part and 911-042.30 in full. 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.)

911-042.19 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: Saline County.

911-042.30 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: Jefferson County.

911-042.74 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: East Central Regional 911: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Sue Vanicek informed the Commission that the next scheduled meeting of the Wireless E-911 Advisory Board is July 15, 2013 at 10:00 AM in the Commission Hearing Room, Lincoln.

NUSF-87/  
C-4570 In the Matter of the Application of Nexus Communications, Inc. for designation as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. § 214 € for Low Income Support only. Commissioner Rod Johnson presiding as Hearing Officer: This matter was discussed on the Communications Department agenda.

Sue Vanicek discussed the following federal dockets, recommending the Commission approve filing a waiver petition. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to file an Federal Communications Commission (FCC) waiver petition in Dockets WC 11-42, CC 96-45, WC 03-109 and WC 12-23. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

WC 11-42 Lifeline and Link Up Reform and Modernization  
CC 96-45 Federal-State Joint Board on Universal Service  
WC 03-109 Lifeline and Link Up  
WC 12-23 Advancing broadband availability through digital literacy training. Sue Vanicek discussed the above Federal Dockets, recommending the Commission approve filing a waiver petition.

NATURAL GAS DEPARTMENT

NG-0072      In the Matter of SourceGas Distribution LLC, Golden,  
ES-001      Colorado, seeking approval of an infrastructure system  
              replacement cost recovery charge, pursuant to Sections  
66-1865 and 66-1866 of the State Natural Gas Regulation Act. Commis-  
sioner Jerry Vap presiding as Hearing Officer: Motion made by Com-  
missioner Jerry Vap, seconded by Commissioner Tim Schram, to enter a  
Nunc Pro Tunc order. Motion passed with Commissioners Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner  
Anne Boyle excused not voting.

FC-1359      In the Matter of the Formal Complaint of Marilyn M. Reeser,  
              Grand Island, v. NorthWestern Energy, Sioux Falls, South  
Dakota, alleging inaccurate gas usage charges. Commissioner Jerry Vap  
presiding as Hearing Officer: Laura Demman discussed an order entered  
May 2, 2013 by the Hearing Officer scheduling an oral argument for  
May 7, 2013, at 11:00 a.m. in the Niobrara Conference Room, Lincoln,  
on an objection to request to waive the filing fee and request for  
oral argument filed by NorthWestern Energy.

Laura Demman reported a total number of 13 consumer com-  
plaints and inquiries received at the Commission during April. For  
each company: Black Hills 1; SourceGas 7; NorthWestern 3; and Other  
Entities 2.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1575      In the Matter of Golden Plains Services, LLC, dba High  
              Plains Cab Services, LLC, dba High Plains Cab Service,  
McCook, seeking to change an existing operation by the transfer of  
stock ownership: Motion made by Commissioner Jerry Vap, seconded by  
Commissioner Rod Johnson, to enter an order granting the acquisition  
of control through stock transfer. Motion passed with Commissioners  
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and  
Commissioner Anne Boyle excused not voting.

B-1619      In the Matter of Kincaid Coach Lines, Inc., Edwardsville,  
              Kansas: Motion made by Commissioner Tim Schram, seconded by  
Commissioner Rod Johnson, to enter an order revoking the authority in  
Certificate B-1619. 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-1798 In the Matter of Triumph Transportation, dba Prince of the Road, Kearney, seeking to change the ownership of the certificate holder: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the acquisition of control through stock transfer. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1802 In the Matter of Camelot Transportation, dba Prince of the Road, Kearney, seeking to change the ownership of the certificate holder: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the acquisition of control through stock transfer. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

M-14220 In the Matter of RVNB Holdings, Inc., Farmers Branch, Texas, seeking to acquire the stock of Kwik But Careful Movers of Omaha, Inc., Plano, Texas: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing 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

BR-413 In the Matter of Grand Island Party Bus, Grand Island, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, 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.

BR-418 In the Matter of JH Transport, Lincoln, seeking authority to set its rates and charges: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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 retained at \$1.06 per mile and the Tariff 22 fuel surcharge to \$7.08 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

- GW-537 In the Matter of Cooperative Supply, Inc., Dodge: John Fecht discussed a shortage of oats.
- GW-1136 In the Matter of Central Valley Ag Cooperative, Nonstock, Elgin: John Fecht discussed a shortage of oats.
- GW-1790 In the Matter of Garry's Farm Service, Inc., Bloomfield: John Fecht discussed a shortage of corn.

Grain Dealer Division

GD-2161/ In the Matter of John A. Fecht, Director, Warehouse Depart-  
GDC-435 ment of the Nebraska Public Service Commission, Complain-  
ant, v. Dennis Partners, Inc. d/b/a O'Neill Grain Co.,  
O'Neill, Respondent: Motion made by Commissioner Jerry Vap, seconded  
by Commissioner Rod Johnson, to enter an order dismissing the com-  
plaint and cancelling the hearing scheduled for April 30, 2013. 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 Jerry Vap, seconded by Commis-  
sioner Rod Johnson, 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 Com-  
missioner Anne Boyle excused not voting.

AS Central Services - OCIO-Network Services	\$	3,393.46
UNL-Nebraska Broadband Planning		116,780.12
Ted Burkey		1,251.25
Ken Sadler		1,600.00
Kent Pribyl		1,149.79
Anne Boyle		474.60
Rod Johnson		850.90
Tim Schram		806.82

Motion made by Commissioner Tim Schram, seconded by Commis-  
sioner Jerry Vap, to approve the Executive Director's recommendation  
to authorize Steve Stovall to travel to and attend the State Telecom-  
munication Administrators for Relay by Sprint (STARS) Conference on  
June 3-6, 2013 in Portland, Oregon, with all expenses to be paid out  
of the Telecommunications Relay Service (TRS) Fund. Motion passed with  
Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, Com-  
missioner Frank Landis voting NAY, and Commissioner Anne Boyle excused  
not voting.

John Burvanis gave an update on the Commission budget.

The meeting adjourned at 10:38 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 May 14, 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 May 13, 2013.

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Vice Chair

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Executive Director