

Chair Anne Boyle called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present. Chair 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 June 18, 2013 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 25, 2013 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

AD-553r In the Matter of the Application of The Winding Creek Group, Inc., Chesterfield, Missouri, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4605 In the Matter of the Application of Aventure Communication Technology, LLC, Sioux City, Iowa, seeking authority to withdraw its certificate of local exchange telecommunications services in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1360 In the Matter of the Formal Complaint of Carquest of McCook, McCook, v. CenturyLink, Minneapolis, Minnesota, alleging inadequate service and unfair billing practices: Commissioner Jerry Vap was appointed as Hearing Officer.

C-4603 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of a Service Performance Amendment to the Interconnection Agreement with dishNET Wireline, LLC f/k/a Liberty-Bell Telecom, LLC, Englewood, Colorado, previously approved in Docket C-4301: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving 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 Rod Johnson, to enter orders granting the applications in Dockets E-2353 and E-2356. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2353 In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Valley County.

E-2356 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.

C-4543 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and explore federally mandated filing of electronic maps certifying the study area of Incumbent Local Exchange Carriers in Nebraska: Gene Hand and Cullen Robbins provided a report on the status of filing electronic exchange maps with the Federal Communications Commission.

C-4575 In the Matter of the Commission on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System (TRS) to be effective July 1, 2013, in the State of Nebraska. Commissioner Tim Schram presiding as Hearing Officer: Gene Hand reported that the TRS surcharge reduction will become effective July 1, 2013.

C-4459/  
PI-185 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and monitor compliance with federally mandated intercarrier compensation reform. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission the filing deadline has past and compliance with the orders in this docket is under review by staff.

Gene Hand distributed the draft agenda for the Broadband Connecting Nebraska Conference.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/  
PI-118 In the Matter of the Nebraska Public Service Commission, on 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 Commissioner Tim Schram, to enter an order releasing a proposal for comment due July 31, 2013 and scheduling a hearing for August 13, 2013 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-020.07 In the Matter of Sue Vanicek, Director of the Nebraska Telephone Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. 365 Wireless, LLC; Broadvox-CLEC, LLC; Covista, Inc.; Cozad Telephone Company; Ionex Communications North, Inc.; Teleport Communications of America, LLC; and XO Communications Services, LLC, Respondent(s). Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-024.47 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to develop policies and process requests for access to GIS data and the GIS Repository: HERE Global B.V. f/k/a NAVTEQ: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying access. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-32.12 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules or Orders and to impose administrative fines: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order reconsidering the amount of the administrative fine, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-77.16 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Raicom, Inc. Commissioner Frank Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer Order from June 19, 2013 approving the withdrawal of the formal intervention filed by Great Plains.

NUSF-77.16 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from Raicom, Inc. Commissioner Frank Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer Order from June 19, 2013 approving the withdrawal of the formal intervention filed by N.E. Colorado Cellular Inc., d/b/a Viaero.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-77.21 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: Application to the Nebraska Broadband Pilot Program (NEBP) received from United States Cellular. Commissioner Frank Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer Order of June 24, 2013 approving the withdrawal of the protest by Charter Communications.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to levy late fees against Citizens Telecommunications, Frontier Communications, KDDI America and United Telecom and that a Complaint be opened against Public Communications Services. Additionally, the late-fee previously levied against Network Innovations be waived. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1359 In the Matter of the Formal Complaint of Marilyn M. Reeser, Grand Island, v. NorthWestern Energy, Sioux Falls, SD, alleging inaccurate gas usage charges. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0072 In the Matter of SourceGas Distribution LLC, Golden, 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. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving Infrastructure System Replacement Recovery Charge. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Commissioner Rod Johnson exited the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

B-1837 In the Matter of Student Transportation of Nebraska, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by charter bus over irregular routes for OPS/Millard school district consisting also of field trips, activity runs, athletic events, and charter service over irregular routes outside of the contract within OPS/Millard school districts. 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 granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

MCC-3181 In the Matter of Mark Breiner, Director, Motor Transportation Department, Nebraska Public Service Commission, Complainant, vs. Divine Destinations, OMALiNK, Inc., Starsky's, and Curtis E. Service, Respondents: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Commissioner Rod Johnson re-entered the Commission Hearing Room.

Rate Division

BR-423 In the Matter of Student Transportation of Nebraska, Inc., Omaha, seeking authority to set its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$1.08 per mile and the Tariff 22 to \$7.32 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of the 2nd quarter grain warehouse license etal renewals: John Fecht presented the completed warehouse license renewal list.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-19            In the Matter of the 2nd quarter grain dealer license re-  
etal            newals: John Fecht presented the completed dealer license  
                 renewal list.

GD-2992        In the Matter of the Application of Richardson Inter-  
                 national (US) Limited, Winnipeg, Manitoba, Canada seeking  
authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903  
(Reissue 1996): Motion made by Commissioner Rod Johnson, seconded by  
Commissioner Tim Schram, to enter an order granting the grain dealer  
license. Motion passed with Commissioners Anne Boyle, Rod Johnson,  
Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

                 Motion made by Commissioner Tim Schram, seconded by Commis-  
sioner 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.

AS Central Services-OCIO	\$	4,323.21
AS Personnel-SOS		2,910.29
Rod Johnson		1,319.84
Gerald Vap		796.68

                 Motion made by Commissioner Frank Landis, seconded by Com-  
missioner Rod Johnson, to approve the Executive Director's recommenda-  
tion to extend the contract for the temporary personnel services in  
the NTIPS department with the Department of Administrative Services,  
Department of Personnel into the third quarter of 2013. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram  
and Jerry Vap voting AYE.

                 Motion made by Commissioner Tim Schram, seconded by Commis-  
sioner Frank Landis, to approve the Executive Director's recommenda-  
tion 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 10:31 a.m.

                 Motion made by Commissioner Rod Johnson, seconded by Com-  
missioner Tim Schram, to approve the Executive Director's recommenda-  
tion 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 10:33 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the selection of an Employee of the Year. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:34 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 July 9, 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 July 8, 2013.

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Chair

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Executive Director