

Chair Anne Boyle called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Anne Boyle, Rod Johnson, Gerald Vap and Tim Schram present, and Commissioner Frank Landis excused. 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 October 15, 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 October 22, 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, October 22, 2013:

1:30 Commission Hearing Room, Lincoln.
911-002 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Commissioner Jerry Vap presiding as Hearing Officer.

Wednesday, October 23, 2013:

10:00 Commission Hearing Room, Lincoln.
B-1843 In the Matter of MV Public Transportation, Inc., Dallas, Texas, seeking authority as a contract carrier (Star Tran), in Nebraska intrastate commerce in the transportation of passengers by bus between points in Lancaster County. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

AD-660 In the Matter of the Application of CISUSA, LLC, Omaha, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4627 In the Matter of the Application of Arizona Telephony Brokers, L.L.C, Scottsdale, Arizona, seeking a name change to Broadband Dynamics, LLC: 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, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

Commissioner Frank Landis entered the Commission Hearing Room.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaints in Dockets FC-1332 and FC-1335. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Tim Schram presiding as Hearing Officer:

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 approving applications C-4624 and C-4626. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE:

C-4624 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an amendment to the agreement with Teleport Communications America, LLC, f/k/a TCG Omaha, New York, New York, previously approved in Docket C-3095.

C-4626 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an Amendment to the Interconnection Agreement with NE Colorado Cellular d/b/a Nebraska Wireless, Fort Morgan, Colorado, previously approved in Docket C-1902.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to issue a one-time waiver to TNCI Operating Company. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 \$53.46 was transferred from the Competitive Market Fund to the Internet Enhancement Fund on October 10, 2013.

C-4622/ NUSF-90 In the Matter of the Application of i-wireless, LLC, Newport, Kentucky, seeking limited designation as LifeLine-Only designation as an Eligible Telecommunications Carrier in the State of Nebraska: Gene Hand informed the Commission that a Hearing Officer Order was entered on October 18, 2013, scheduling a planning conference for November 4, 2013, at 2:30 p.m. in the Niobrara Conference Room, Lincoln.

Gene Hand informed the Commission that the 2013 Annual Report to the Legislature on the status of the Nebraska Telecommunications Industry is now available on the website and in paper format.

Gene Hand reported on the Broadband Connecting Nebraska Conference held October 16 and 17, 2013, at the Younes Center in Kearney.

Gene Hand informed the Commissioners that the next Nebraska Information Technology Commission (NITC) Community Council meeting is scheduled for November 1, 2013 at 9:30 a.m. at 1526 K St, Lower Level, Lincoln, and will serve as kick off for the development of the state-wide broadband plan.

Gene Hand reported that both NeuStar and North American Numbering Plan Administration (NANPA) representatives will be providing further numbering training on October 23rd in the Niobrara Conference Room.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ PI-117 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting 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 (Cont.)

911-055/
PI-182 In the Matter of the Commission, on its own motion, seeking to investigate and revise wireless tower testing standards and procedures pursuant to the Enhanced Wireless Services Act, Neb. Rev. Stat. 86-442 et seq. 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 comments due November 22, 2013 and scheduling a hearing on December 3, 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.

911-050.02 In the Matter of the Third Petition of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless for Support from the E-911 Wireless Service Provider (ESP) Grant Program: Sue Vanicek informed the Commission that a third petition from N.E. Colorado Cellular has been received. Commissioner Vap was appointed as Hearing Officer.

911-058 In the Matter of the Commission, on its own motion, seeking to conduct a study to examine issues surrounding the state-wide implementation of Next Generation 911 funding through the Enhanced Wireless 911 Fund as required by LB 595 [2013]: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the intent to file comments for the Next Generation 911 Study. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-33/
PI-68 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order approving, in part and denying, in part, audit waiver requests. 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 Commissioner Rod Johnson, to enter an order granting the one-time waiver in Docket NUSF-37.296 and dismiss the complaint in Docket NUSF-37.297. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE:

NUSF-37.296 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. One Source Networks, Inc., Respondent(s).

NUSF-37.297 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Voicecom Telecommunications, LLC, Respondent(s).

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-90/ In the Matter of the Application of i-wireless, LLC,
C-4622 Newport, Kentucky, seeking limited designation as a
Lifeline-Only Eligible Telecommunications Carrier in the
state of Nebraska. Commissioner Anne Boyle presiding as Hearing
Officer: This matter was discussed on the Communications Department
agenda.

NATURAL GAS DEPARTMENT

Motion made by Commissioner Frank Landis, seconded by
Commissioner Tim Schram, to enter Assessment Orders CA-002, ES-003,
and ES-004. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0074 In the Matter of Black Hills/Nebraska Gas Utility Company,
CA-002 LLC d/b/a Black Hills Energy, Omaha, seeking approval of an
ES-003 infrastructure system replacement cost recovery charge,
ES-004 pursuant to Sections 66-1865 and 66-1866 of the State
Natural Gas Regulation Act. Commissioner Frank Landis
presiding as Hearing Officer.

Laura Demman provided an update to the Commission pertain-
ing to the recent request for the Attorney General's opinion regarding
the Commission's jurisdiction under the Major Oil Pipeline Siting Act,
specifically Neb. Rev. Stat. 57-1405, as read in conjunction with the
definition of "major oil pipeline" at Neb. Rev. Stat. sections
57-1404(2); "oil pipeline" at 57-1502(2) and the operation of the
Governor's review of a pipeline route under 57-1503(4).

TRANSPORTATION DEPARTMENT

B-1306 In the Matter of Jerry Spady Chevrolet GMC Cadillac,
Supp. 1 Hastings, seeking authority as a common carrier in Nebraska
intrastate commerce in the transportation of passengers and
their baggage by luxury or stretch limousine, sedan, van and SUV
between points in a 75-mile radius of Hastings, and between points
within said area, 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 Designa-
tion: No: Motion made by Commissioner Rod Johnson, seconded by Commis-
sioner 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.

TRANSPORTATION DEPARTMENT (Cont.)

B-1833 In the Matter of Wings Concierge Services, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Douglas, Sarpy, and Lancaster Counties, and between points within said 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 Tim Schram, seconded by Commissioner Frank Landis, 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-1847 In the Matter of Eastern Nebraska Community Action Partnership, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in charter and special party service by bus 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 granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1851 In the Matter of Playmakers Bar & Grill, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus between all 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 Frank Landis, 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.

Rate Division

BR-434 In the Matter of Standfast Transportation, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

BR-435 In the Matter of Safe Ride Shuttle, Nebraska City, seeking authority to set its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

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 \$1.10 per mile and the Tariff 22 fuel surcharge at \$7.60 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-926 In the Matter of Farmers Cooperative Company, Talmage: John Fecht discussed a shortage of corn.

GW-1766 In the Matter of Grain States Soya, Incorporated, West Point: John Fecht discussed a shortage of soybeans.

GW-1766 In the Matter of Grain States Soya, Incorporated, West Point, seeking approval of the application for emergency ground storage of 200,000 bushels of soybeans for a maximum of 60 days: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Grain Dealer Division

GD-2993 In the Matter of the Application of FCStone Merchant Services, LLC, West Des Moines, Iowa, seeking authority as a grain dealer pursuant to Neb. Rev. Stat. Section 75-903 (Reissue 1996): Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, 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 Rod Johnson, seconded by Commissioner Tim Schram, 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	\$	893.68
AS Materiel		1,067.58
Hampton Inn Kearney		770.00
Holiday Inn Lexington		847.00
Fred Massing		2,646.00
Mobile Pulse		21,000.00
Thomson Reuters		1,135.00
Gerald Vap		964.57

GENERAL ADMINISTRATION (Cont.)

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 Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:45 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, 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 10:54 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to change the status of an employee in the Communications Department from probationary to permanent status. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve filing a deficit request for the addition on one Administrative Assistant for the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:55 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 October 29, 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 October 28, 2013.

Chair

Executive Director