

Acting Chair Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Gerald Vap and Tim Schram present, and Commissioners Anne Boyle and Frank Landis excused. Acting Chair 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 5, 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 November 13, 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:

Wednesday, November 13, 2013:

1:30 Commission Hearing Room, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.

Rule and Regulation #191 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 8 Grain Warehouse Rules and Regulations, to update rules regarding grain warehouses, grain dealers and grain moisture meters.

(Immediately Following)

GDC-439 In the Matter of John A. Fecht, Director, Warehouse Department, Nebraska Public Service Commission, Complainant, v. Frontier Trading, Inc., Roff, Oklahoma a/k/a Heartland-Frontier Trading Company and Frontier Trading Company, Respondent. Commissioner Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission that a total of 51 complaints were received in October 2013: 33 wireline and 18 wireless. The complaints were categorized as 20 billing, 25 service and 6 miscellaneous issues.

C-4550/  
NUSF-85 In the Matter of the Application of Total Call Mobile, Inc. Gardena, California, designation as an Eligible Telecommunications Carrier, for the limited purpose of participating in the lifeline program. Commissioner Anne Boyle presiding as Hearing Officer: This matter was discussed on the Nebraska Telecommunications Infrastructure and Public Safety Department (NTIPS) agenda.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4629 In the Matter of the Joint Application of Arlington Telephone Company, The Blair Telephone Company, Eastern Nebraska Telephone Company, Rock County Telephone Company and Huntel Cablevision Inc. d/b/a American Broadband Nebraska Communications, Inc., Blair, seeking authority to issue collateralized guarantees of long-term indebtedness: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

C-4635 In the Matter of the Joint Application of Keystone-Arthur Telephone Company, Keystone, Glenwood Telephone Membership Corporation and Glenwood Transitory Sub., Inc., Blue Hill, seeking approval of change of controlling interest in Keystone-Arthur Telephone Company: Commissioner Jerry Vap was appointed as Hearing Officer.

C-4642 In the Matter of the Application of Jean & Darrell Lammers, Wendy & Chad Stevens, Carrier & Troy Lammers, Ed & Michelle Lammers, David & Lori Lammers, Linus & Beata Lammers, Frank & Krisa Lammers, Roger Lammers, Kevin & Sharon Lammers, Kevin & Sandy Uhing and Gary Harold, citizens of Hartington, Nebraska, seeking authority to receive telephone service from the Hartington exchange of the Hartelco Telephone Company: Commissioner Rod Johnson was appointed as Hearing Officer.

Gene Hand discussed the TRS Late-Filed Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to levy a late-fee against Citizens Telecommunications Company of Nebraska. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Gene Hand reported on the most recent Numbering Plan Area (NPA) exhaust dates for Nebraska.

Gene Hand informed the Commission that Sprint Relay missed contract performance metrics in August and September.

Gene Hand reported on the Rural Future Institutes Conference he attended November 4 and 5, 2013.

Gene Hand reported that he has started planning for next year's Broadband Connecting Nebraska Conference. He also reported the Nebraska Information Technology Commission's (NITC) Community Council held a meeting on November 1, 2013 to kick off their efforts to develop a statewide broadband plan.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-024.48 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: Mission Critical Partners, Inc.: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting access to the GIS repository data. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Sue Vanicek informed the Commission that the next Wireless E-911 Advisory Board Meeting will be held January 13, 2014 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Sue Vanicek discussed vacancies on the Wireless E-911 Advisory Board. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve publishing a press release, seeking applicants to serve on the Wireless E-911 Advisory Board. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

NUSF-50 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order authorizing a change in payments. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

NUSF-85/  
C-4550 In the Matter of the Application of Total Call Mobile, Inc., Gardena, California, designation as an Eligible Telecommunications Carrier, for the limited purpose of participating in the Lifeline Program. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Sue Vanicek discussed the NUSF Late-Filed and Late-Paid Carrier Remittances. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to levy late fees against Lattice Incorporated, Silv Communications, Inc., and Simple Signal, Incorporated; and to open complaints against One Source Network, TNCI Operating Company, LLC, United Telecom, Inc., Zito Midwest, LLC; and Skywave Wireless; and to approve the one-time waiver request from Diode Communications. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

NATURAL GAS DEPARTMENT

NG-0074 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC d/b/a Black Hills Energy, Omaha, 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 Frank Landis presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter Assessment Order ES-005. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Laura Demman reported a total number of 13 consumer complaints and inquiries received at the Commission during October. For each company: Black Hills 0; SourceGas 4; NorthWestern 3; and Other Entities 6.

TRANSPORTATION DEPARTMENT

B-1588 In the Matter of Platte County Ambulance Co., dba Midwest Supp. 2 Medical Transport Co., Columbus, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of handicapped or incapacitated passengers between points in the state of Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application as amended. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

B-1798 In the Matter of Triumph Transportation dba Prince of the Road, Kearney, seeking a name change to Triumph Transportation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

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

B-1854 In the Matter of Groome Transportation, Inc., Sandston, Virginia, seeking to acquire, through transfer, the authority granted to OMALiNK, Inc. in Certificate B-1628: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application and revoking Certificate B-1628. Motion passed with Commissioners Johnson, Schram and Vap voting AYE and Commissioners Boyle and Landis excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

M-14225 In the Matter of Rojoli Transportation, Inc., dba Two Men and a Truck, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods by truck statewide over irregular routes: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

BR-437 In the Matter of Your Own Limousine, Kearney, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

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

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Attorney General	\$	2,722.00
AS Central Services-IM Services		987.55
The Daily Record		560.96
Parish, Blessing & Associates		1,011.41
Thomson Reuters		1,135.00
Voyager		2,041.59
Steve Meradith		470.65
Nichole Mulcahy		664.59

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve minutes for October 2013. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to renew a contract with Ken Stadler for the provision of Manufactured Home and Modular Housing Unit Plan Review effective December 3, 2013. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to authorize Commissioners to travel to and attend the Mid-American Regulatory Conference (MARC) to be held in Austin, Texas from January 9-12, 2014 with all expenses to be paid by MARC. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to authorize Commissioner Anne Boyle to travel to and attend the Advanced Communications Law and Policy (ACLP) Institute's Regulators' and Policymakers' AdvancedComm Summit 2014 to be held in New York City, New York from January 15-17, 2014 with partial expenses to be paid via a scholarship. Motion passed with Commissioners Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioners Anne Boyle and Frank Landis excused not voting.

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The meeting adjourned at 10:19 a.m. with Commissioners Rod Johnson, Tim Schram and Gerald Vap present and Commissioners Anne Boyle and Frank Landis excused. The next regularly scheduled meeting will be held on November 25, 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 November 22, 2013.

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Acting Chair

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Executive Director