

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram present and Commissioner Gerald Vap excused. Chairman 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. Chairman Landis announced a reminder that there will be no Commission Meeting next week.

GENERAL ADMINISTRATION

Notice was duly published May 20, 2014 on Page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 28, 2014, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, May 28, 2014:

- 11:00 Commission Hearing Room, Lincoln.  
B-1850 In the Matter of Tyson Hinrichsen Enterprises dba Shorty's Party Bus Services, Grand Island, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus between points within the State of Nebraska.  
RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. Commissioner Rod Johnson presiding as Hearing Officer.
- 1:30 Commission Hearing Room, Lincoln. Commissioner Frank Landis presiding as Hearing Officer.
- 911-042.01 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. Nemaha County.
- 911-059/  
PI-190 In the Matter of the Commission, on its own motion, seeking to investigate and determine whether set aside funds from the Enhanced Wireless 911 Fund may be used for consulting costs relating to the selection and purchase of equipment and software.

GENERAL ADMINISTRATION (Cont.)

Wednesday, June 4, 2014:

8:00 Commission Hearing Room, Lincoln  
GWC-441 In the Matter of John A. Fecht, Director Warehouse  
Department, Nebraska Public Service Commission v. Pierce  
Elevator, Inc., Pierce. Commissioner Rod Johnson was  
appointed as Hearing Officer.

Thursday, June 5, 2014:

8:00 Commission Hearing Room, Lincoln.  
GWC-441 In the Matter of John A. Fecht, Director Warehouse  
Department, Nebraska Public Service Commission v. Pierce  
Elevator, Inc., Pierce. Commissioner Rod Johnson was  
appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-4459/ In the Matter of the Nebraska Public Service  
PI-185 Commission, on its own motion, to investigate and monitor  
compliance with federally mandated intercarrier compen-  
sation reform. Commissioner Frank Landis presiding as Hearing Officer:  
Motion made by Commissioner Tim Schram, seconded by Commissioner Rod  
Johnson, to enter an order. Motion passed with Commissioners Anne  
Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Com-  
missioner Jerry Vap excused not voting.

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

C-4652/ In the Matter of the Application of Sage Telecom Communi-  
NUSF-93 cations, LLC, Dallas, Texas, seeking designation as an  
Eligible Telecommunications Carrier in the State of  
Nebraska for the limited purpose of participating in the Lifeline  
program. Commissioner Anne Boyle presiding as Hearing Officer:  
Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim  
Schram, to enter an order granting the application. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim  
Schram voting AYE, and Commissioner Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4670 In the Matter of the Application of Association Administrators, Inc., Port Jefferson Station, New York, seeking approval to withdraw its interexchange authority: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4674 In the Matter of the Application of IntelePeer, Inc., Chicago, Illinois, seeking authority to change its name to Airus, Inc: 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, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

WC Docket Wireline Competition Bureau Seeks Comment On Petition For No. 14-70 Declaratory Order Regarding State Jurisdiction To Adjudicate Intercarrier Compensation Disputes Concerning Dial-up ISP-Bound Traffic: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve staff drafting comments to be filed with the Federal Communications Commission (FCC) by June 30, 2014. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

C-4672 In the Matter of the Application of United Telephone Company of the West d/b/a CenturyLink, Denver, Colorado, seeking approval of an ICC Bill and Keep Amendment to the CMRS Interconnection Agreement with Sprint Spectrum L.P., Overland Park, Kansas, previously approved in Docket C-2849: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Gene Hand reported on the Broadband Mapping/Planning meeting held Wednesday, May 21, 2014, at 1:30 p.m. in the Commission Hearing Room.

Gene Hand reported on the U.S. Court of Appeals for the 10<sup>th</sup> Circuit's decision released Friday, May 23, 2014.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter orders in Dockets 911-042.41, 911-042.43, 911-042.44, 911-042.46, 911-042.48, 911-042.50 thru 911-042.54, 911-042.57, 911-042.59, 911-042.62, 911-042.65, 911-042.69, approving funding requests. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

911-042.41 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: City of Beatrice

911-042.43 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: Cedar County:

911-042.44 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: Boone County:

911-042.46 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: City of Wayne:

911-042.48 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: Garden County:

911-042.50 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: Chase County:

911-042.51 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: Rock County:

911-042.52 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: Cherry County:

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 911-042.53 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: Brown County:
- 911-042.54 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: Keya Paha County:
- 911-042.57 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: City of Alliance:
- 911-042.59 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: City of Norfolk:
- 911-042.62 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: Colfax County:
- 911-042.65 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: Dixon County:
- 911-042.69 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: Nance County:
- NUSF-4 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act effective fiscal year beginning July 1, 1999: Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an order setting the surcharge rate for the FY 2014 - 2015. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37.302 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. TNCI Operating company, LLC (CLEC), Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson to enter an order dismissing the Complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

NUSF-92.12 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program Received from Pinpoint Wireless d/b/a Blaze Wireless: Commissioner Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer's order of May 21, 2014, granting motion to withdraw formal intervention of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless.

NUSF-92.15 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program Received from United States Cellular Corporation: Commissioner Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer's order of May 21, 2014, granting motion to withdraw formal intervention of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless.

NUSF-93/ In the Matter of the Application of Sage Telecom  
C-4652 Communications, LLC, Dallas, Texas, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the limited purpose of participating in the Lifeline Program: Commissioner Boyle presiding as Hearing Officer: an order was entered granting the application on the Communications Department's agenda.

NATURAL GAS DEPARTMENT

NG-0077 In the Matter of the Application of WoodRiver Energy, LLC, Denver, CO, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson to enter an order granting authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT

B-1870 In the Matter of Moon Limousine, LLC, Overland Park, Kansas, seeking to acquire, through transfer, the authority held by Pontine Enterprises Limousine Services, LLC, Hastings, in Certificate B-1647: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Rate Division

BR-452 In the Matter of the Application of Platte County Ambulance dba Midwest Medical Transport Co., Columbus: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to enter a Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap 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 retained at \$1.14 per mile and the Tariff 22 fuel surcharge at \$8.00 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GWC-441/ In the Matter of John A. Fecht, Director Warehouse Depart-  
GW-2136/ ment Nebraska Public Service Commission, Complainant, v.  
GD-2136 Pierce Elevator, Inc., Pierce, Nebraska, Defendant. Commis-  
sioner Rod Johnson residing as Hearing Officer. John Fecht informed the Commission on the status of the elevator and that a hearing officer order was entered on May 20, 2014, scheduling oral arguments on motions to continue and petition for formal intervention.

GENERAL ADMINISTRATION

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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

AS Central Services-OCIO-Network Services	\$	4,126.22
Parrish, Blessing & Associates		6,150.30
Shana Knutson		935.55
Rod Johnson		786.24

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Mike Bartels to attend the Annual Meeting of the Association of Grain Regulatory Officials (AGRO) to be held in Denver, Colorado July 13 - 16, 2014 with expenses to be paid by the Commission. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to surplus one Infratec 1241 grain moisture tester for the Grain Warehouse Department, originally purchased in 2001. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

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The meeting adjourned at 10:30 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram present and Commissioner Gerald Vap excused. The next regularly scheduled meeting will be held on June 10, 2014, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on June 9, 2014.

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Chairman

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Executive Director