

Chairman Gerald Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. Chairman Vap 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 9, 2015 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 16, 2015 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, June 16, 2015:

11:00 Commission Hearing Room, Lincoln
NUSF-32.14 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of certain telecommunications companies to comply with Commission rules or orders and to impose administrative fines: DishNet Wireline LLC. Commissioner Tim Schram presiding as Hearing Officer.

Wednesday, June 17, 2015:

9:30 Commission Hearing Room, Lincoln and City Hall, 1615 First
B-1894 Avenue, South Sioux City, Iowa.
In the Matter of EZ Cabs, Inc., Sioux City, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in taxi service between points in Dakota, Cedar, Dixon, Wayne, Thurston, Cuming and Burt counties and between points in 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: Commissioner Rod Johnson presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-4622/ In the Matter of the Application of i-wireless, LLC,
NUSF-90 Newport, Kentucky, seeking limited designation as a Life-Line-Only Eligible Telecommunications Carrier in the State of Nebraska. Commissioner Tim Schram presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4759 In the Matter of the Application of OrbitCom, Inc., Sioux Falls, South Dakota, seeking approval of transfer of customers and assets to Ionex Communications North, Inc. d/b/a Birch Communications, Atlanta, Georgia: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4760 In the Matter of the Application of Telenational Communications, Inc., Atlanta, Georgia, seeking approval to withdraw its certificate of interexchange carrier authority: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4761/ In the Matter of the Nebraska Public Service Commission
DC-87 regarding the 2014 Annual Report Filings: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order dismissing in part. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Commissioner Rod Johnson left the Commission Hearing Room.

C-4767/ In the Matter of the Nebraska Public Service Commission, on
911-062/ its own motion, to investigate the status of direct access
PI-194 to emergency services: Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an order opening the docket and scheduling a workshop for June 30, 2015, at 9:00 a.m. in the Auditorium on Innovation Campus, University of Nebraska, 2021 Transformation Drive, Lincoln, and seeking comments due July 6, 2015. Motion passed with Commissioners Crystal Rhoades, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused and not voting. Commissioner Crystal Rhoades was appointed as Hearing Officer.

Commissioner Rod Johnson entered the Commission Hearing Room.

Gene Hand informed the Commission that the Cybersecurity Workshop scheduled for June 16, 2015, has been postponed due to cancellation of airline flights through Chicago preventing the workshop presenter from arriving in Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

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: Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter a Nunc Pro Tunc order. Commissioner Rod Johnson came back. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter Nunc Pro Tunc orders in Dockets 911-043.02, 911-043.03 and 911-043.06. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE:

911-043.02 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: U.S. Cellular Corporation

911-043.03 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Sprint

911-043.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: N.E. Colorado Wireless, Inc., d/b/a Viaero Wireless

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter orders approving funding in Dockets 911-042.22, 911-042.39, 911-042.41, 911-042.43, 911-042.50, 911-042.66, and 911-042.68. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE:

911-042.22 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 Columbus

911-042.39 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: Cass County

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

- 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
- 911-042.50 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
- 911-042.66 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: Antelope County
- 911-042.68 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: Butler County

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order approving funding in Dockets 911-043.02, 911-043.03, 911-043.06 and 911-043.07. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE:

- 911-043.02 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: U.S. Cellular Corporation
- 911-043.03 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Sprint
- 911-043.06 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: N.E. Colorado Wireless, Inc., d/b/a Viaero Wireless

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-043.07 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer funding for wireless service providers for the implementation and provision of Enhanced Wireless 911 service: Pinpoint Wireless, d/b/a BLAZE Wireless

911-062/
C-4767/
PI-194 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate the status of direct access to emergency services: This matter was addressed on the Communications Department's agenda.

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. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order setting the surcharge for the FY 2015/2016. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-90/
C-4622 In the Matter of the Application of i-wireless, LLC, Newport, Kentucky, seeking limited designation as a Lifeline-only Eligible Telecommunications Carrier in the State of Nebraska: This matter was addressed on the Communications Department's agenda.

NUSF-99 In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Universal Service Fund High-Cost Program. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order seeking further comments due June 30, 2015, with reply comments due July 14, 2015 and scheduling a hearing for July 21, 2015 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to open a complaint against Skybeam Acquisition Corporation. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0081 In the Matter of Three Rivers Energy Company, Winnebago, Nebraska, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0082 In the Matter of MidAmerican Energy Services, LLC, Des Moines, Iowa, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a Protective Order. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Angela Melton reported a total number of 10 consumer complaints and inquiries received at the Commission during May, 2015. For each company: Black Hills - 3; SourceGas - 6; NorthWestern - 0; and Other Entities - 1.

RULES AND REGULATIONS

Rule and #194 In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 629 [2015] regarding Transportation Network Companies (TNC): Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an order opening the docket, releasing the first set of rules, seeking comments due July 17, 2015 and scheduling a workshop for August 5, 2015 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Tim Schram was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1718 In the Matter of Leisure Limousine & Sedan, Inc., Lincoln, seeking to change an existing operation by changing the stock ownership: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting changing the stock ownership of the company. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont)

B-1733 In the Matter of Papio Transport Service, Inc., Papillion, seeking to change the stock ownership as follows: Current Ownership: Loren F. Stutheit (50%) John Miller (50%); Proposed Ownership: Papio Transport Holding Company (100%): Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the protestant's motion for leave to withdraw protest. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1733 In the Matter of Papio Transport Service, Inc., Papillion, seeking to change the stock ownership as follows: Current Ownership: Loren F. Stutheit (50%) John Miller (50%); Proposed Ownership: Papio Transport Holding Company (100%): Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order changing the stock ownership of the company. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1788 In the Matter of Party Express Bus, Omaha, seeking Supp. 2 authority to extend its operation in the transportation of passengers in Charter and Special Party bus service 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 Tim Schram, seconded by Commissioner Rod Johnson, to enter an order dismissing the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1829 In the Matter of Golden Plains Transportation Services, Supp. 1 Inc., dba GPS Transportation, Lincoln, Nebraska, seeking to expand its authority as a common carrier of passengers by vans by the removal of its restriction against point-to-point transportation in Lancaster County, and by the amendment of language related to the use of sedans by an open class carrier in an area where a taxi authority is pending. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes: Happy Cab filed a motion for reconsideration and request for oral argument. Commissioner Rod Johnson presiding as Hearing Officer: Mark Breiner informed the Commission that a Hearing Officer order will be entered on June 16, 2015 setting a briefing schedule and a date for an Oral Argument.

TRANSPORTATION DEPARTMENT (Cont.)

B-1830 In the Matter of Leisure Taxi, LLC, Lincoln, seeking Commission approval to institute use of an alternate vehicle

to augment its taxicab fleet: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting approval and rule waived. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1882 In the Matter of Heartland Transportation, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Douglas and Sarpy Counties, and between points in 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: Yes: Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an order dismissing the application. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TNC-1 In the Matter of the Nebraska Public Service Commission, on its own motion, to establish Interim Policies for the implementation of LB-629 [2015] pending final rulemaking: Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to enter an order opening docket and approving temporary forms and procedures. Commissioner Tim Schram was appointed as Hearing Officer. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LR-345 In the Matter of Rural Metro Alternative Transportation Services, 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. Motion passed with Commissioners Crystal Rhoades, 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 \$.062 per mile and the Tariff 22 fuel surcharge to \$2.72 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2187 In the Matter of the Application of Richardson Milling Inc., South Sioux City, Nebraska, requesting a \$100,000.00 deductible on its stock insurance: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order granting authority to increase its insurance deductible. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-1154 In the Matter of Cooperative Producers, Inc., Hastings, Nebraska: John Fecht informed the Commission of their shortage of soybeans.

GW-2129 In the Matter of The Scoular Company, Madrid, Nebraska: John Fecht informed the Commission of their shortage of wheat.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Deputy Director's recommendation to approve Commission invoices. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AS-Central Services-IM Services	\$	1,229.44
Nebraska Alumni Association		750.00
Crystal Rhoades		45.84

The following payments were made between June 3-15, 2015 and should be ratified:

Ted Burkey	\$	921.25
Kent Pribyl		696.54
Thomson Reuters		1,200.75
Voyager		1,396.77

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to reschedule the Commission meeting previously scheduled for June 30, 2015 to July 1, 2015. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioners Crystal Rhoades and Rod Johnson voting NAY.

Motion made by Commissioner Crystal Rhoades to seek an Attorney General's Opinion related to reimbursable expenses. The motion died for lack of a second.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation to approve Commission minutes for May, 2015. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation to authorize Steve Stovall to travel to and attend the National Association for State Relay Administration (NASRA) Conference to be held in Jackson Hole, Wyoming from September 22-27, 2015 with expenses to be paid by the Public Service Commission. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to authorize Commissioner Tim Schram to travel to and attend the Interstate Telecommunications Relay Service (TRS) Advisory Council Meeting to be held in Jackson Hole, Wyoming, from September 22-24, 2015 with expenses to be paid from the Interstate TRS fund. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation to go into closed session to discuss personnel issues. Motion passed with Commissioners Crystal Rhoades, 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 Tim Schram, seconded by Commissioner Frank Landis, to approve the Deputy Director's recommendation to return to open session. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:39 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to approve the Deputy Director's recommendation to approve the 2015-2016 cost of living adjustments for agency personnel effective July 1, 2015. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Crystal Rhoades, to approve the Deputy Director's recommendation to approve a salary increase for one employee in the Grain Warehouse Department. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the to confirm the appointment of Jeffrey Pursley as Executive Director. Motion passed with Commissioners Crystal Rhoades, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:42 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held June 23, 2015 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 22, 2015.



Chairman



Deputy Director

