

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Gerald Vap and Tim Schram present and Commissioner Rod Johnson 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. Chair Boyle announced that due to the President's Day holiday, the next Commission meeting would be held on February 20th instead of February 19th.

GENERAL ADMINISTRATION

Notice was duly published February 5, 2013 on Page 3 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 12, 2013 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, February 12, 2013

1:30 Commission Hearing Room, Lincoln
C-4528/ In the Matter of the Application of Budget Prepay Inc.,
NUSF-84 d/b/a Budget Mobile, Bossier City, Louisiana, seeking
limited designation as a Lifeline-Only Eligible Telecommunications carrier within the State of Nebraska. Commissioner Rod Johnson presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in January 2013. She reported a total of 42 complaints: 31 wireline and 11 wireless. The complaints were categorized as follows: 15 billing, 16 service and 11 miscellaneous issues.

C-4549 In the Matter of the Application of Covista, Inc., Chattanooga, Tennessee, seeking authority to transfer customers and assets to Ionex Communications North, Inc. dba 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 Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-4550/ In the Matter of the Application of Total Call Mobile,
NUSF-85 Inc., Gardena, California, seeking designation as an
Eligible Telecommunications Carrier, for the limited
purpose of participating in the lifeline program: Commissioner Anne Boyle was appointed as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders approving applications C-4551 and C-4554. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-4551 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of a collocation terminations amendment to the interconnection agreement with Level 3 Communications, LLC, Broomfield, Colorado, previously approved in Docket C-2780.

C-4554 In the Matter of the Application of United Telephone Company of the West d/b/a CenturyLink, Denver, Colorado, seeking approval of a Master Resale Agreement with Spectrotel, Inc., Neptune, New Jersey.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders granting applications E-2335, E-2337, E-2338 and E-2339. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

E-2335 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County.

E-2337 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 Boone County.

E-2338 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.

E-2339 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 Boone County.

Commissioner Rod Johnson entered the Commission Hearing Room.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve waivers for the Nebraska Specialized Telecommunications Equipment Program (NSTEP) in Applications #13293 and #13331. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

13293 Applicant requests a waiver of the five year waiting period due to a change in impairment.

13331 Applicant requests a waiver of the five year waiting period due to a change in impairment.

Gene Hand discussed TRS Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, that a one-time waiver be issued to ACN Digital Phone Service, LLC and late-fees be levied against Hamilton Telephone Company. Motion passed with Commissioners Anne Boyle, Frank Landis, Rod Johnson, Tim Schram and Jerry Vap voting Aye.

Gene Hand informed the Commission the National Association of Regulatory Utility Commissioners (NARUC) Call Completion Letter was sent to the Federal Communications Commission (FCC) on February 11, 2013.

Gene Hand discussed the Broadband Mapping/Planning Grant.

Gene Hand provided a report on the National Association of Regulatory Utility Commissioners (NARUC) Winter Meeting held in Washington, DC from February 1-7, 2013.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1 In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Trans National Communications International: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant Trans National's request for 2nd extension to February 28, 2013 to complete the NUSF remittance audit, originally due December 31, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1 In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Vonage: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant Vonage's request for an extension to April 1, 2013 to complete the NUSF remittance audit due December 31, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-1 In the Matter of the Commission, on its own motion, seeking
P.O. #7 to establish guidelines for administration of the Nebraska
 Universal Service Fund: Nebraska Central Telephone: Motion
made by Commissioner Frank Landis, seconded by Commissioner Rod John-
son, to grant Nebraska Central Telephone's request for an extension to
February 15, 2013 to complete the NUSF remittance audit due December
31, 2012. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37. In the Matter of Sue Vanicek, Director of the Nebraska
284 Telecommunications Infrastructure and Public Safety Depart-
 ment of the Nebraska Public Service Commission, Complain-
ant, v. Frontier Communications of America, Respondent(s): Motion made
by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to
enter an order dismissing the complaint. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE.

NUSF-85/ In the Matter of the Application of Total Call Mobile,
C-4550 Inc., Gardena, California, seeking designation as an
 eligible telecommunications carrier for the limited purpose
of participating in the lifeline program: This matter was addressed
on the Communications Department's agenda.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 6 consumer com-
plaints and inquiries received in January. For each company: Black
Hills - 6; SourceGas - 1; NorthWestern - 0; and Other Entities - 4.

Laura Demman reported on Gas Committee activities during
the National Association of Regulatory Utility Commission (NARUC)
Winter Conference held in Washington, DC on February 3-4, 2013.

RULES AND REGULATIONS

Motion made by Commissioner Tim Schram, seconded by Commis-
sioner Frank Landis, to enter orders issuing a Certificate of Adoption
for Rules and Regulations #189, #186 and 190. Motion passed with Com-
missioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE:

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#186 Regulations, to adopt rules in accordance with Nebraska
 Legislative Bill 715 [2012]. Commissioner Frank Landis pre-
siding as Hearing Officer.

RULES AND REGULATIONS (Cont.)

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 14, Recreational Vehicles Rules
#189 and Regulations, to adopt rules in accordance with Nebraska
Legislative Bill 751 [2012]. Commissioner Tim Schram pre-
siding as Hearing Officer.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#190 Regulations, to adopt rules in accordance with Nebraska
Legislative Bill 1091 [2012] regarding electronic remit-
tances. Commissioner Schram presiding as Hearing Officer.

LEGISLATIVE REPORT

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Jerry Vap, to approve the Executive Director's recommenda-
tion to approve Commission positions on legislation. Motion passed
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram
and Jerry Vap voting AYE.

Commissioner Jerry Vap exited the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

B-1745 In the Matter of WADD I, LLC, dba Wings of Love, LLC, Omaha
Supp. 2 Omaha, seeking to extend the authority held by WADD I, LLC,
which states transportation of passengers and their baggage
by van in open class service between points in Douglas, Sarpy, Wash-
ington, and Lancaster Counties. Operations to commence or terminate at
locations found within Douglas, Sarpy, Washington, and Lancaster
counties, with no restriction as to the number of operating vehicles.
RESTRICTION: The transportation of railroad train crews and their bag-
gage is not authorized. HHS Designation: Yes. Motion made by Commis-
sioner Tim Schram, seconded by Commissioner Frank Landis, to enter an
order granting the application as amended. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting
AYE, and Commissioner Jerry Vap excused not voting.

B-1808 In the Matter of Handivan Transports, Inc., Omaha, seeking
authority as a common carrier in Nebraska intrastate com-
merce in the transportation of passengers by wheelchair accessible
vans in open class service over irregular routes between points within
the Omaha corporate city limits. RESTRICTION: The transportation of
railroad train crews and their baggage is not authorized. HHS Designa-
tion: Yes: Upon agreement of all Commissioners, a hearing was sche-
duled for April 10, 2013, at 9:30 a.m. in the Commission Hearing Room,
Lincoln, Nebraska and the Nebraska State Office Building, 1313 Farnam
Street, Room 207, Omaha. Commissioner Tim Schram was appointed Hearing
Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1821 In the Matter of Driverides, Ltd. Co., Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage by customer owned vehicles and provide a service to drive the customer home between points in Lancaster County, and between points within said county, 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 to Show Cause and schedule a hearing for March 5, 2013, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting. Commissioner Frank Landis was appointed as Hearing Officer.

Commissioner Jerry Vap re-entered the Commission Hearing Room.

M-14152 In the Matter of Hot Shot Deliveries, LLC, Omaha: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order revoking the authority in Certificate M-14152. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-412 In the Matter of WADD I, LLC, dba Wings of Love, LLC, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the application as amended on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TR-194 In the Matter of Performance Automotive & Towing dba O'Malley's Cab Service, Sidney, seeking authority to set its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, 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.

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 increased to \$1.16 per mile and the Tariff 22 fuel surcharge to \$8.12 per truck per trip.

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, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for January, 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 Commissioner Rod Johnson, to approve the Executive Director's recommendation to authorize Mark Briener to travel to and attend a rail transportation meeting on January 31, 2013 in Council Bluffs, Iowa. 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 approve the Executive Director's recommendation to purchase six new computers for use by the Commissioners and Communications Department. 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 Frank Landis, to approve the Executive Director's recommendation to authorize Mike Bartels, Gordon Mohr, David Meyer, Scott Micek, Wally Driewer and Caleb Lammers to travel to and attend the Association of Grain Regulatory Officials (AGRO) meeting to be held in Frankenmuth, Michigan from July 28-31, 2013. 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 renew the Professional Economic and General Consulting Services contract with Christensen Associates Energy Consulting for two years. 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 renew the Natural Gas Professional Consulting Services contract with David Rosenbaum Economic Consulting for two years. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:54 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 February 20, 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 February 19, 2013.

Chair

Executive Director