

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present. 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 February 12, 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 February 20, 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:

Friday, February 22, 2013:

2:30            Commission Hearing Room, Lincoln  
                 TRS Advisory Committee Meeting

#### COMMUNICATIONS DEPARTMENT

AD-551r        In the Matter of the Application of Strategic Consulting Group, Chicago, Illinois, seeking authority to register the connection of an automatic dialing-announcing device in Plantation, Florida: 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, Tim Schram and Jerry Vap voting AYE.

C-4459/  
PI-185        In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and monitor compliance with federally mandated intercarrier compensation reform. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter progression order No. 4. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4507/  
NUSF-82        In the Matter of the Application of Budget PrePay, Inc., 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: 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, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4543/  
PI-186 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 Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter Progression Order No. 1. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FCC WC In the Matter of Connect America Fund: A National Broadband Docket Plan for our Future Establishing Just and Reasonable Rates No. 10-90 for Local Exchange Carriers High-Cost Universal Service Support Developing a Unified Intercarrier Compensation Regime Intercarrier Compensation for ISP Bound Traffic Federal-State Joint Board Universal Service Lifeline and Link-Up: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, seeking approval for Gene Hand to file an Ex Parte. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4569 In the Matter of the Application of Grasshopper Group, LLC, Needham, Massachusetts, seeking authority to operate as a resale interexchange carrier of telecommunications services within the State of Nebraska: 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.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders approving applications C-4404 and C-4555 through C-4568. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4404 In the Matter of the Application of Qwest Corporation, Denver, Colorado, seeking approval of Collocation Amendment to the Interconnection Agreement with Pinpoint Communications, Inc., Cambridge, Nebraska, previously approved in Docket C-2605.

C-4555 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Blair Telephone Company, Blair, previously approved in Docket C-3427.

C-4556 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Wireless Interconnection and Reciprocal Compensation Agreement with Consolidated Telephone Company, Lincoln, previously approved in Docket C-3072.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-4557 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Wireless Interconnection and Reciprocal Compensation Agreement with Consolidated Telecom, Inc., Lincoln, previously approved in Docket C-3071.
- C-4558 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Wireless Interconnection and Reciprocal Compensation Agreement with Consolidated Telco, Inc., Lincoln, previously approved in Docket C-3070.
- C-4559 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Clarks Telecommunications Co., Clarks, previously approved in Docket C-3069.
- C-4560 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Hartelco d/b/a Hartington Telecommunications Co., Inc., Hartington, previously approved in Docket C-3073.
- C-4561 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Hershey Cooperative Telephone Co., Hershey, previously approved in Docket C-3074.
- C-4562 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with K & M Telephone Company, Inc., Chambers, previously approved in Docket C-3075.
- C-4563 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with the Nebraska Central Telephone Co., Gibbon, previously approved in Docket C-3076.
- C-4564 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Northeast Nebraska Telephone Co., Jackson, previously approved in Docket C-3077.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-4565 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Southeast Nebraska Telephone Company, Falls City, previously approved in Docket C-3104.
- C-4566 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Stanton Telecom, Inc., Stanton, previously approved in Docket C-3078.
- C-4567 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Three River Telco, Lynch, previously approved in Docket C-3079.
- C-4568 In the Matter of the Application of USCOC Nebraska/Kansas, LLC as successor in interest to WWC License L.L.C., Chicago, Illinois, seeking approval of Amendment 1 to the Interconnection Agreement with Great Plains Communications, Inc., Blair, previously approved in Docket C-2872.
- E-2336 In the Matter of the Application of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
- C-4426 In the Matter of the Application of Common Point, LLC, Springfield, Illinois, seeking to establish its initial access service tariff for access tandem switching. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer order was entered February 12, 2013, granting a ten day extension of review timeline.
- Gene Hand informed the Commission that the Nebraska Telecommunications Relay Service (TRS) Advisory Committee will meet via video conference on February 22, 2013, at 2:30 p.m. in the Commission Hearing Room, Lincoln and the Nebraska State Office Building, Room 207 2nd floor, 1313 Farnam, Omaha.
- C-4548 In the Matter of Cox Nebraska Telcom, LLC, Omaha, seeking a residential local rate increase: Gene Hand informed the Commission that Cox rescheduled the February 21, 2013 public meeting to March 4, 2013 at 5:30 p.m. at the LaVista Conference Center, 12520 Westport Way, LaVista, due to bad weather.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported on the work of the National Association of Regulatory Utility Commissioners (NARUC) Federalism Task Force including providing Commissioners with a copy of the Draft Federalism Principles the Task Force is seeking comment on by March 1, 2013.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-024 In the Matter of the Nebraska Public Service Commission, on its own motion, to develop policies and process requests for access to GIS data and the GIS Repository: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order releasing policy changes for comments due March 22, 2013 and scheduling a hearing for April 2, 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. Commissioner Jerry Vap was appointed as Hearing Officer.

911-057/ PI-187 In the Matter of the Commission, on its own motion, seeking to investigate funding for costs for the development of certain Geographical Information Systems Data relating to the provision of Enhanced Wireless 911 Service: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for March 20, 2013 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Jerry Vap was appointed as Hearing Officer.

Sue Vanicek informed the Commission that the next Wireless E-911 Advisory Board Meeting was scheduled for April 22, 2013 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

NUSF-1, PO #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Nebraska Central Telephone Company. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to accept the deviation of remittance audit procedures language as presented. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1, PO #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Three River Communications. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to grant Three River Communications' request for an audit extension to March 15, 2013 for the 2010 NUSF remittance audit that was 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.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders for NUSF-37.273 and NUSF-37.283 dismissing the complaints. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE:

NUSF-37.273 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. Net Talk.com, Inc., Respondent.

NUSF-37.283 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant v. InterCall Communications, Inc. d/b/a West IP Communications, Inc.

NUSF-82/C-4507 In the Matter of the Application of Budget Prepay, Inc., d/b/a Budget Mobile, Bossier City, Louisiana, seeking designation as an Eligible Telecommunications Carrier within the State of Nebraska: This matter was addressed on the Communications Department's agenda.

Sue Vanicek discussed the vacancies on the NUSF Advisory Board and requested Commission approval to advertise for the positions of Libraries, Schools and the Public, along with the expired term for Rural Health Care. Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve advertising for vacancies on the NUSF Advisory Board. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to levy late fees against Comcast Phone of Nebraska, LLC, SBC Long Distance, LLC and US Telecom Long Distance, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek reported on the NARUC meetings she attended February 2-5, 2013, in Washington, DC.

RULES AND REGULATIONS

Rule and Regulation #188 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 15, Enhanced 911 Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 1091 [2012]; to correct errors and to make changes to reflect current Commission orders and policies:

RULES AND REGULATIONS (Cont.)

Rule and Motion made by Commissioner Jerry Vap, seconded by Commis-  
Regulation sioner Rod Johnson, to enter an order releasing a second  
#188 set of proposed rules for comments due March 29, 2013 and  
scheduling a hearing for April 2, 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.

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: Nichole Mulcahy informed the Commission  
that the final set of rules were delivered to the Attorney General on  
February 13, 2013.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1705 In the Matter of Champion Homes of Hastings, LLC, Hastings,  
Supp. 1 seeking authority as a contract carrier in Nebraska intra-  
state commerce in the transportation of passengers that are  
clients of AMR/Access 2 Care and their baggage, between points in  
Adams, Hall, Buffalo, Kearney, Franklin, Webster, Nuckolls, Clay,  
Hamilton, Fillmore, Seward, Saline, Lancaster, Saunders, & Dodge  
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.  
Commissioner Rod Johnson presiding as Hearing Officer: Mark Breiner  
informed the Commission that the hearing previously scheduled for  
March 6, 2013, and March 7, 2013, has been cancelled.

Commissioner Jerry Vap exited the Commission Hearing Room.

B-1822 In the Matter of Executive Coach, LLC, Paxton, seeking  
authority as a common carrier in Nebraska intrastate com-  
merce in the transportation of passengers (up to 20) by luxury bus/  
motor home, or van in charter and special party between 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 Tim Schram, seconded by Commis-  
sioner Frank Landis, 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.

TRANSPORTATION DEPARTMENT (Cont.)

B-1823 In the Matter of Fuzzbusters, LLC, Valley, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus, van, sedan, and SUV/Truck for impaired passengers and further will provide a service to drive their car home between points in Dodge, Saunders, Douglas, Sarpy and Washington 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: 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 and Tim Schram voting AYE, and Commissioner Jerry Vap excused not voting.

Commissioner Jerry Vap re-entered the Commission Hearing Room.

B-1826 In the Matter of Elite Limo of Omaha, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury or stretch limousine in a 100 mile radius of Omaha, and between points in the 100 mile radius, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, a hearing was scheduled for May 1, 2013, at 9:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Anne Boyle was appointed as Hearing Officer.

Rate Division

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

GENERAL ADMINISTRATION

Commissioner Rod Johnson exited the Commission Hearing Room.

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

Office Depot - JE	\$	561.38
Sprint		47,292.91

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Accessibility Dot Net Inc.	\$	422.20
Alternative Hearing		244.36
Beltone		2,270.80
Carl A. Johnson		241.01
Glassman's Hearing Aid Technology		604.03
Grand Island Hearing Aid Center		883.36
Hamilton Telephone Co.		158.20
Harris Communications		613.00
The Hearing Clinic		464.40
Professional Hearing Aid Services		579.79
Sherard Hearing Aid Center		1,591.32
Sprint Communications		299.99
Talk to Me Technologies		2,000.00
Teltex, Inc.		5,486.45
Weitbrecht Communications		636.60
White's Hearing Aid Specialists		469.65

Commissioner Rod Johnson re-entered the Commission Hearing Room.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to accept a proposal from GIS Workshop for the development of an online Nebraska Telephone Assistance Program (NTAP) application form. 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 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 10:46 a.m.

Motion made by Commissioner Rod Johnson, 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 10:57 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to open, for hire, the position of Telecom Analyst. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to discuss health insurance benefits and compensation for a part time employee. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 11:00 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 26, 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 25, 2013.

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Chair

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Executive Director