

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 26, 2013 on Page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 5, 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, March 5, 2013:

1:30 Commission Hearing Room, Lincoln.
C-4575 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System (TRS) to be effective July 1, 2013 in the State of Nebraska. Commissioner Tim Schram presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in February 2013. She reported a total of 32 complaints: 22 wireline and 10 wireless. The complaints were categorized as 15 billing, 13 service and 4 miscellaneous issues.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order granting the extension request. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4528/
NUSF-84 In the Matter of the Application of GCIA Corp. d/b/a STAND UP WIRELESS seeking limited designation as a LifeLine-Only designation as an Eligible Telecommunications Carrier in 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.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter orders withdrawing applications C-4535, C-4538, and C-4552. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4535 In the Matter of the Application of Robert Whitten, Dawson, seeking authority to receive telephone service from the Falls City exchange of Southeast Nebraska Telephone Company. Commissioner Frank Landis presiding as Hearing Officer.

C-4538 In the Matter of the Application of Jeanne McGinnis, Dawson, seeking authority to receive telephone service from the Falls City exchange of Southeast Nebraska Telephone Company. Commissioner Frank Landis presiding as Hearing Officer.

C-4552 In the Matter of the Application of Francis and Julie Fiegenger, Dawson, seeking authority to receive telephone service from the Falls City exchange of Southeast Nebraska Communications.

C-4570/
NUSF-87 In the Matter of the Application of Nexus Communications, Inc., Columbus, Ohio, for designation as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. 214 € for low income support only: Commissioner Rod Johnson was appointed as Hearing Officer.

C-4576 In the Matter of the Request of Nebraska Central Telephone Company, Gibbon, seeking approval to update the boundaries of the Burwell Exchange: Motion made by Commissioner Jerry Vap, 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.

Gene Hand informed the Commission that a request was received from Cox Nebraska Telcom, LLC on January 25, 2013, to override the denial by the Pooling Administrator for a single thousand-block of telephone numbers in the Omaha Rate Center. Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve sending a letter to the Pooling Administrator. 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 enter orders approving applications C-4572, C-4573, C-4574, C-4578 and C-4580. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-4572 In the Matter of the Application of Nebraska Technology & Telecommunication, Inc., Omaha, Nebraska, seeking approval of an Interconnection Agreement with Windstream Nebraska, Inc., Little Rock, Arkansas.
- C-4573 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an ICC VoIP Amendment to the Interconnection Agreement with McLeodUSA Telecommunications Services, Inc. dba PAETEC Business Services, Little Rock, Arkansas, previously approved in Docket C-2023.
- C-4574 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QCC, Denver, Colorado, seeking approval of an Interconnection Agreement with New Horizons Communications Corporation, Lexington, Massachusetts.
- C-4578 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an ICC VoIP Amendment to the Interconnection Agreement with Windstream IT-Comm, LLC, Little Rock, Arkansas, previously approved in Docket C-4206.
- C-4580 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an Interconnection Agreement with PBN, LLC, Pierce.
- Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter orders granting applications E-2340 through E-2342. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
- E-2340 In the Matter of the Application of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Gage County.
- E-2341 In the Matter of the Applications of Loup River Public
E-2342 Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Boone County.
- 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: Gene Hand reported on the Federal Communications Commission (FCC) order DA 13-282 released on February 26, 2013, and that Hearing Officer Progression Order No. 2 was entered March 1, 2013.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed the NebraskaLink News Release announcing an agreement with the city of Lincoln to use the city's fiber optic conduit to bring alternative fiber based broadband services to Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018.12 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order initiating a Show Cause and scheduling a hearing for April 16, 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.

911-024.46 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: Beehive Industries: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the withdrawal of the access request. 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 Rod Johnson, to enter an order approving funding requests for Dockets 911-042.16 and 911-042.39. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.16 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: Cheyenne County.

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.

Sue Vanicek discussed the FCC's report to Congress pursuant to the Next Generation 911 Advancement Act of 2012.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-32.12 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules or Orders and to impose administrative fines: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order initiating a Show Cause and scheduling a hearing for April 16, 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.

NUSF-84/ In the Matter of the Application of GCIA Corporation dba
C-4528 STAND UP WIRELESS, seeking designation as an Eligible Telecommunications Carrier in the State of Nebraska for the limited purpose of participating in the Lifeline Program: This matter was discussed on the Communications Department agenda.

NUSF-87/ In the Matter of the Application of Nexus Communications
C-4570 Inc., Columbus, Ohio, for designation as an Eligible Telecommunications Carrier pursuant to 47 U.S. C. 214 (e) for low income support only: This matter was discussed on the Communications Department agenda.

LEGISLATIVE REPORT

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation regarding LB 617. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1818 In the Matter of Casino Cab Company, Council Bluffs, Iowa, seeking to institute a new service as a common carrier in the transportation of passengers between points by taxi in Douglas and Sarpy counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No: Mark Breiner informed the Commission that a Hearing Officer's order was entered February 27, 2013 regarding motions to compel.

B-1826 In the Matter of Elite Limo of Omaha, LLC, 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, Nebraska, and between points in the 100 mile radius, 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 Anne Boyle presiding as Hearing Officer:

TRANSPORTATION DEPARTMENT (Cont.)

B-1826 Mark Breiner informed the Commission that a Hearing Officer's order was entered March 5, 2013 continuing the hearing from May 1, 2013 to May 15, 2013, at 9:30 a.m. in the Commission Hearing Room, Lincoln.

MCC-3181 In the Matter of Mark Breiner, Director, Motor Transportation Department, Nebraska Public Service Commission, Complainant, vs. Divine Destinations, LLC, OMALiNK, Inc., Starsky's, and Curtis E. Service, Respondents: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order To Show Cause and schedule a hearing for April 9, 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 Anne Boyle was appointed as Hearing officer.

Rate Division

LR-335 In the Matter of Medics at Home, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Tim Schram, 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 retained at \$1.16 per mile and the Tariff 22 fuel surcharge at \$8.12 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, 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.

AS Central Services-OCIO-Network Services	\$	2,969.99
AS Central Services-Personnel-SOS		1,856.91
Ted Burkey		2,679.25
Fred Massing		2,910.00
United States Postal Service		500.00
Kent Pribyl		808.40
Tim Schram		499.46

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for the month of February 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 Scott Elston to attend the Federal Railroad Administration (FRA) MP&E Recurrency 2013 Class to be held in Des Moines, Iowa, from May 13-17, 2013 with all expenses to be paid by the FRA. 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 Rod Johnson, to authorize Commissioner Anne Boyle to travel to and attend the CTIA 2013 Convention to be held in Las Vegas, Nevada from May 21-22, 2013 with all expenses to be paid by CTIA. 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 purchase a plotter for the Communications Department. 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 Rod Johnson, to approve the Executive Director's recommendation to extend the contract for temporary personnel services in the NTIPS department with the Department of Administrative Services, Department of Personnel from April 1 through June 30, 2013. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:47 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 March 12, 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 March 11, 2013.

Chair

Executive Director