

Chair Anne Boyle called the regularly scheduled meeting to order at 10:01 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 April 2, 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 April 9, 2013 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, April 9, 2013:

- 11:00 Commission Hearing Room, Lincoln.
B-1827 In the Matter of A Family Affair, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in Lancaster, Douglas, Saline, Saunders, Gage, Otoe, Butler, Seward, Cass, and York Counties, and between points within 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 Frank Landis presiding as Hearing Officer.
- 2:00 Commission Hearing Room, Lincoln.
Rule and Regulation #187 In the Matter of the Commission, on its own motion, seeking to amend title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules regarding adequacy of service and prohibiting call blocking and choking. Commissioner Frank Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

- 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: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter order Progression No. 5. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2344 In the Matter of the Application of Southern Public Power District, Grand Island, seeking authority to construct, operate and maintain electric transmission lines in Merrick County: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, 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-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 provided a status report to the Commission.

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. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order adopting amended policies and application forms. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-4,
PO #19 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 beginning July 1, 1999. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for May 14, 2013 at 2:30 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.

NUSF-33/
PI-68 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order waiving audit requirements for Covad Communications Company fka Speakeasy Broadband Service, LLC. 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-33/
PI-68 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund:
Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the waiver request of Glenwood Telephone Company to not be required to refile the 2012 EARN form. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Sue Vanicek informed the Commission that the NTAP application is now available online on the Commission's website.

Sue Vanicek informed the Commission that the NUSF Advisory Board will meet on April 17, 2013 at 2:00 p.m. in the Commission Hearing Room, Lincoln.

Sue Vanicek discussed the NUSF Late-Paid Carrier Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to levy late fees against Network Innovations, Inc. and Telesphere Networks, Ltd. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 the current Commission orders and policies: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order issuing a Certificate of Adoption of a second set of proposed rules. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1619 In the Matter of Kincaid Coach Lines, Inc., Edwardsville, Kansas: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an Order to Show Cause and schedule a hearing for April 30, 2013, at 11:00 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 Tim Schram was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1818 In the Matter of Casino Cab Company, LLC, seeking authority for the transportation of passengers by taxi between points in Douglas and Sarpy Counties over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Mark Breiner discussed two Hearing Officer orders entered on April 5, 2013, one denying the protestant's motion to compel and one granting the motion to use depositions only to those sections of the deposition that are the examination of the deponents conducted by Mr. Weinberg.

Rate Division

LR-334 In the Matter of Your Own Limousine, Kearney, seeking authority to adjust its rates and charges: 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.

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 \$1.14 per mile and the Tariff 22 fuel surcharge at \$7.92 per truck per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, 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	\$	1,032.55
Ted Burkey		1,569.75
Broadmap		92,820.66
Fred Massing		1,275.00
Ken Stadler		1,600.00
Voyager		1,659.85

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM:

Alternative Hearing	\$	483.36
Complete Hearing Solutions		324.04
Glassman Hearing Aid Technology		225.00
The Hearing Clinic		230.06
Beltone		1,416.20
Professional Hearing Aid Services		680.27
Teltex Inc.		1,315.25
Weitbrecht Communications		859.85

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Commission minutes for March 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 Kent Pribyl to travel to Clay Center, Kansas to perform a modular housing unit factory inspection at Wardcraft Homes, with all expenses to be reimbursed to the Commission by Wardcraft Homes. 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 change the status of an employee in the General Administration Department from probationary to permanent. 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 Tim Schram, to approve the Executive Director's recommendation to approve an amendment to the Independent Contractor Agreement with Fred Massing for modular housing unit and manufactured home factory inspections. 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 surplus vehicle #14873, a 2007 Chevy Impala LS (Wally Driewer). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:24 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 April 16, 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 April 15, 2013.

Chair

Executive Director