

Vice Chair Frank Landis called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present and Commissioner Anne Boyle excused. Vice Chair Landis 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 9, 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 April 16, 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 16, 2013:

1:30 Commission Hearing Room, Lincoln.  
NUSF- In the Motion of the Commission, on its own motion, seeking  
32.12 to conduct an inquiry into the failure of various companies  
to comply with Commission Rules or Orders and to impose  
administrative fines. Commissioner Rod Johnson presiding as  
Hearing Officer.

#### Wednesday, April 17, 2013:

2:00 Commission Hearing Room, Lincoln.  
NUSF Advisory Board Meeting

#### Monday, April 22, 2013:

10:00 Commission Hearing Room, Lincoln.  
E-911 Advisory Board Meeting

#### COMMUNICATIONS DEPARTMENT

E-2345 In the Matter of the Applications of Loup River Public  
E-2346 Power District, Columbus, seeking authority to construct,  
operate and maintain electric transmission lines in Platte  
County: Motion made by Commissioner Rod Johnson, seconded by Commis-  
sioner Jerry Vap, to enter orders granting applications E-2345 and  
E-2346. Motion passed with Commissioners Rod Johnson, Frank Landis,  
Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle  
excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4328/  
PI-176 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate issues related to the service quality associated with intrastate interexchange service including the origination, termination, and routing of interexchange calls. Commissioner Frank Landis presiding as Hearing Officer: Gene Hand provided a status report on the intrastate call completion testing conducted and on draft comments proposed to be filed with the Federal Communications Commission (FCC) in the Notice of Proposed Rule Making (NPRM) on reporting and data retention requirements to allow it to review long distance providers call performance.

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 that all Nebraska Incumbent Local Exchange Carriers (ILEC's) have elected to have the Public Service Commission submit and certify electronic study area data and the associated study area. The staff has made contact with other Midwest states and is planning a conference call to explore ways to collaborate.

C-3206 In the Matter of the Commission, on its own motion, to administer the Nebraska Internet Enhancement Fund: Gene Hand informed the Commission that \$1,554.10 was transferred from the Competitive Market Fund to the Internet Enhancement Fund on April 11.

Gene Hand reported that the next meeting with the Broadband Mapping/Planning team will be held on April 24th at 1:00 p.m. in the Commission Hearing Room, Lincoln.

Gene Hand reported that Dish has made a \$25.5 billion bid to acquire Sprint Nextel. Commissioner Frank Landis expressed concerns relative to the proposed transaction and the Commission's open docket addressing call completion.

C 12-1225 In the Matter of the Formal Complaint (FC-1332) of OrbitCom, Inc., Sioux Falls, South Dakota, seeking a determination that AT&T Communications of the Midwest, Inc., Denver, Colorado, failed to pay intrastate access charges billed by OrbitCom in accordance with OrbitCom's intrastate switched access tariff; and, In the Matter of the Formal Complaint (FC-1335) of AT&T Communications of the Midwest, Inc., Denver, Colorado, seeking a determination that OrbitCom, Inc., Sioux Falls, South Dakota, failed to negotiate intrastate access charges and that OrbitCom's tariffed intrastate switched access rates are unfair and unreasonable: Gene Hand reported that District Court Judge Paul Merritt entered an order April 12, 2013, upholding the Commission's February 28, 2012 Order in several respects; however, he did remand to the Commission to provide written verification of the data and mathematical process it used in deciding the access rate of OrbitCom is fair and reasonable.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 8 consumer complaints and inquiries received during March. For each company: Black Hills 1; SourceGas 3; NorthWestern 0; and Other Entities 4.

RULES AND REGULATIONS

Rule and Regulation #183 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Natural Gas and Pipeline Rules and Regulations, to adopt rules regarding pipelines and to implement the provisions of the Major Oil Pipeline Siting Act. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order adopting an amended third set of proposed rules and issuing an amended Certificate of Adoption. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order issuing a Certificate of Adoption. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

B-1769 Supp. 3 In the Matter of Emerald Limousine, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in limousine service by vans and SUVs over irregular routes within a 250 mile radius of Omaha, Nebraska. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. The certificate holder shall maintain a listing of its services in the Yellow Pages of the telephone directory serving Dakota City. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order denying the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1818 In the Matter of Casino Cab Company, Council Bluffs, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce 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. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The hearing previously scheduled for April 23-25 and May 2, 2013 was cancelled.

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: Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to enter an order sustaining the Show Cause and dismissing the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

B-1834 In the Matter of Black Shark LLC dba Omaha Bar Scene, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in limousine service by limousine and bus between points in a 50 mile radius of Omaha, Nebraska. RESTRICTIONS: 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 granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Rate Division

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 \$1.10 per Mile and the Tariff 22 fuel surcharge to \$7.60 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-17 In the Matter of Farmers Cooperative Association, Eustis,  
NE: Angela Melton presented a request to cancel their ware-  
house license effective April 1, 2013. Upon agreement of all Commis-  
sioners present, the request was granted.

Grain Dealer Division

GD-17 In the Matter of Farmers Cooperative Association, Eustis,  
NE: Angela Melton presented a request to cancel their grain  
dealer license effective April 1, 2013. Upon agreement of all Commis-  
sioners present, the request was granted.

GD-2161/ In the Matter of John A. Fecht, Director, Warehouse Depart-  
GDC-435 ment of the Nebraska Public Service Commission, Complain-  
ant, v. Dennis Partners, Inc. d/b/a O'Neill Grain Co.,  
O'Neill, Respondent: Motion made by Commissioner Tim Schram, seconded  
by Commissioner Rod Johnson, to enter an order scheduling a hearing  
for April 30, 2013 at 1:30 p.m. in the Commission Hearing Room, Lin-  
coln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim  
Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused  
not voting. Commissioner Jerry Vap was appointed as Hearing Officer.

GENERAL ADMINISTRATION

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

AS Personnel - SOS	\$	2,344.47
Office Interiors & Design		1,416.00
Thomson Reuters		1,080.95

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Verizon Wireless		1,176.97
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Motion made by Commissioner Rod Johnson, seconded by Com-  
missioner Tim Schram, to approve the Executive Director's recommenda-  
tion to ratify the hiring of Cullen Robbins as Information Technology/  
Telecom/GIS Analyst for the Communications Department effective May 1,  
2013. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim  
Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused  
not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to authorize Commissioners Rod Johnson, Frank Landis, and Tim Schram to travel to and attend the Mid-America Regulatory Conference (MARC) Annual Meeting to be held in Little Rock, Arkansas from June 8-12, 2013 with partial expenses to be paid by MARC. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to authorize all Commissioners to attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference to be held in Denver, Colorado from July 20-24, 2013. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Gene Hand, Laura Demman, and Sue Vanicek to attend the National Association of Regulatory Utility Commissioners (NARUC) Summer Conference to be held in Denver, Colorado from July 20-24, 2013. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

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The meeting adjourned at 10:23 a.m. with Commissioners Rod Johnson, Frank Landis, Gerald Vap and Tim Schram present and Commissioner Anne Boyle excused. The next regularly scheduled meeting will be held on April 23, 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 22, 2013.

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Vice Chair

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Executive Director