

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 May 7, 2013 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 14, 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, May 14, 2013:

1:30 Commission Hearing Room, Lincoln.
C-4570/ In the Matter of the Application of Nexus Communications,
NUSF-87 Inc., Columbus, Ohio, for designation as an Eligible Tele-
Communications Carrier pursuant to 47 U.S.C. 214 € for low
income support only. Commissioner Rod Johnson presiding as
Hearing Officer.

2:30 Commission Hearing Room, Lincoln.
NUSF-4 In the Matter of the Commission, on its own motion, seeking
PO #19 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.

Wednesday, May 15, 2013:

9:30 Commission Hearing Room, Lincoln.
B-1826 In the Matter of Elite Limo of Omaha, Omaha, seeking auth-
ority 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 Desig-
nation: No. RESTRICTION: The transportation of railroad
train crews and their baggage is not authorized. Commis-
sioner Anne Boyle presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-4598 In the Matter of the Joint Application of Wholesale Carrier Services, Inc., Coral Springs, Florida, and Digizip.com, Inc., Port Chester, Florida, seeking approval of an asset purchase agreement and transfer of customers: 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.

C-4600 In the Matter of the Application of Consolidated Telephone Company, Lincoln, seeking authority to re-establish the Arthur, Dunning and Brewster Exchanges: 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.

C-4601 In the Matter of the Application of TNCI Operating Company LLC, Santa Barbara, California, seeking approval to acquire the customers and certain assets of Trans National Communications International, Inc., Boston, Massachusetts: 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-4602/
DC-83 In the Matter of the Nebraska Public Service Commission regarding the 2012 Annual Report Filings. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order to show cause and notice of hearing scheduled for August 6, 2013, at 1:30 p.m. at the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4599 In the Matter of the Application of Windstream Nebraska, Inc., Little Rock, Arkansas, seeking approval of an Interconnection Agreement with McLeodUSA Telecommunications Services, LLC, Little Rock, Arkansas: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2351 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 Colfax County: 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.)

Gene Hand reported significant compliance by Nebraska carriers filing Intrastate Access Rate reductions effective on July 2, 2013, as mandated by the Federal Communications Commission's (FCC) Transformation Order.

Gene Hand reported that 14 states and 22 signatories supported the Call Completion comments filed May 13, 2013, with the Federal Communications Commission in dockets WC 13-39 and DA 13-780.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/ In the Matter of the Nebraska Public Service Commission, on
PI-118 its own motion, to implement provisions of LB 1222 [2006]
and to establish a permanent funding mechanism for wireless
enhanced 911 service. Commissioner Jerry Vap presiding as Hearing
Officer: Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Frank Landis, to enter an order to vacate the Commission Order
dated May 7, 2013. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-042.64 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: Sarpy County: Motion made by Commis-
sioner Tim Schram, seconded by Commissioner Frank Landis, to enter an
order approving funding. Motion passed with Commissioners Anne Boyle,
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37.275 In the Matter of Sue Vanicek, Director of the Nebraska
Telecommunications Infrastructure and Public Safety
Department of the Nebraska Public Service Commission, Complainant, v.
United Telecom, Inc., Respondent: Motion made by Commissioner Jerry
Vap, seconded by Commissioner Rod Johnson, to enter an order dismiss-
ing the complaint and cancelling in part, the hearing scheduled for
May 21, 2013. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-69, In the Matter of the Nebraska Public Service Commission, on
PO #9 its own motion, seeking to implement policies and proce-
dures related to providing dedicated universal service
support for wireless telecommunications services. Commissioner Frank
Landis presiding as Hearing Officer: Motion made by Commissioner Frank
Landis, seconded by Commissioner Tim Schram, to enter an order estab-
lishing a deadline of July 1, 2013 for applications and the procedures
under which support will be considered. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Sue Vanicek discussed the Hearing Officer's orders entered May 2, 2013, May 6, 2013 and May 7, 2013, granting formal interventions for the following dockets:

- NUSF-77.08 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Cambridge Telephone Company. Commissioner Frank Landis presiding as Hearing Officer.
- NUSF-77.11 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Diode Cable Company. Commissioner Frank Landis presiding as Hearing Officer.
- NUSF-77.12 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Glenwood Telecommunications, Inc. Commissioner Frank Landis presiding as Hearing Officer.
- NUSF-77.14 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Nebraska Central Telephone Company. Commissioner Frank Landis presiding as Hearing Officer.
- NUSF-77.16 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Raicom, Inc. Commissioner Frank Landis presiding as Hearing Officer.
- NUSF-77.17 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Rock County Telephone Company. Commissioner Frank Landis presiding as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-77.18 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund. Application to the Nebraska Broadband Pilot Program (NEBP) received from Three River Communications, LLC. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-77.19 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Windstream Communications. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-77.20 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from N.E. Colorado Cellular d/b/a Viaero. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-77.22 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Eastern Nebraska Telephone Company. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-77.23 In the Matter of the Petition of the Nebraska Telecommunications Association for investigation and review of processes and procedures regarding the Nebraska Universal Service Fund: Application to the Nebraska Broadband Pilot Program (NEBP) received from Consolidated Telco, Inc. Commissioner Frank Landis presiding as Hearing Officer.

Sue Vanicek discussed the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to open complaints against IDT America Corporation and Convergia and that late fees be levied against 5LINX Enterprises, Inc., Global Crossings Telecommunications; Level 3 Communications, LLC; and WilTel Communications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0072 In the Matter of SourceGas Distribution LLC, Golden, Colo-
ES-002 rado, seeking approval of an infrastructure system replace-
 ment cost recovery charge, pursuant to Sections 66-1865 and
66-1866 of the State Natural Gas Regulation Act. Commissioner Jerry
Vap presiding as Hearing Officer: Motion made by Commissioner Jerry
Vap, seconded by Commissioner Frank Landis, to enter Assessment Order
ES-002. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram and Jerry Vap voting AYE.

FC-1359 In the Matter of the Formal Complaint of Marilyn M. Reeser,
 Grand Island, v. NorthWestern Energy, Sioux Falls, South
Dakota, alleging inaccurate gas usage charges. Commissioner Jerry Vap
presiding as Hearing Officer: Laura Demman discussed the Hearing Offi-
cer order entered May 9, 2013, overruling the objection and granting
the filing fee waiver. If a Statement of Satisfaction is not filed,
the answer date for NorthWestern Energy will be May 28, 2013.

LEGISLATIVE REPORT

Angela Melton discussed pending legislation.

TRANSPORTATION DEPARTMENT

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. RESTRICTIONS: The transportation of
railroad train crews and their baggage is not authorized. Only wheel-
chair accessible vans are allowed. HHS Designation: Yes: Motion made
by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to
enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry
Vap voting AYE.

B-1835 In the Matter of Pardy Bus, Kennard, seeking authority as a
 common carrier in Nebraska intrastate commerce in the
transportation of passengers by bus in Washington, Dodge, Burt, Doug-
las, Sarpy, and Lancaster counties, on the one hand, and, on the other
hand, points in Nebraska over irregular routes. RESTRICTIONS: The
transportation of railroad train crews and their baggage is not auth-
orized. 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 Anne Boyle, Rod Johnson,
Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-419 In the Matter of Handivan Transports, Inc., Omaha, seeking authority to set its rates and charges: 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.

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 \$1.06 per mile and the Tariff 22 fuel surcharge at \$7.08 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

Schedule A & E Rates In the Matter of Fixing Reasonable Storage Rates and Charges for Public Grain Warehouses: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order setting schedule "A" and "E" Rates. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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 Personnel - SOS	\$	1,728.62
Fred Massing		1,683.00
Thomson Reuters		1,080.95
Voyager		2,346.35

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	249.70
Beltone		2,074.10
Grand Island Hearing Aid Center		410.66
The Hearing Clinic		406.55
Carl A. Johnson		808.18
Professional Hearing Aid Services		934.27
Sherard Hearing Aid Center		251.29
Weitbrecht Communications		1,390.75
Teltex, Inc.		431.30

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for April, 2013. 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 Frank Landis, to approve Chair Anne Boyle'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 Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to re-authorize Gene Hand to travel to and attend the SBI Grantee Workshop to be held in Washington, DC from April 30, 2013 to May 3, 2013 with expenses to be allocated between the Nebraska SBI Mapping and Planning Grant and general funds. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Re-authorization is due to extension of meetings.

The meeting adjourned at 10:22 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 May 21, 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 May 20, 2013.

Chair

Executive Director