

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 August 27, 2013 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 4, 2013 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in August 2013. She reported a total of 64 complaints: 44 wireline and 20 wireless. The complaints were categorized as 16 billing, 33 service and 15 miscellaneous issues.

Gene Hand discussed the TRS Late-Filed Remittances: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to grant one-time waivers to DishNet Wireline, LLC and Long Lines Wireless, LLC; and to levy late fees against Airespring, Inc., Golden West Telecom Cooperative Inc. and Qwest Communications Company, LLC. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4550/ NUSF-85 In the Matter of the Application of Total Call Mobile, Gardena, California, for designation as an Eligible Telecommunications Carrier for the limited purpose of participating in the lifeline program. Commissioner Anne Boyle presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer order was entered August 26, 2013, setting August 30, 2013, as the deadline for the filing of late-filed exhibits.

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 \$650.27 was transferred from the Competitive Market Fund to the Internet Enhancement Fund on August 28, 2013.

C-4606 In the Matter of Cox Nebraska Telcom, LLC, Omaha, seeking a business rate increase: Gene Hand informed the Commission that an insufficient number of petitions were received to initiate a review of the proposed rate increase, therefore, a letter was sent to Cox Nebraska Telcom on September 2, 2013 informing them that the rate increase could be implemented.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed the press release from Lt. Governor LaVon Heidemann issued August 26, 2013 regarding the Broadband Business Initiative.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-019/  
PI-118 In the Matter of the Nebraska Public Service Commission, on its own motion, to implement provisions of LB 1222 [2006] and 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 Commissioner Rod Johnson, to enter an order approving modifications to the payment process. 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 Rod Johnson, to enter orders dismissing Dockets NUSF-37.291 and 37.292. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-  
37.291 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Public Communications Services, Inc. Respondent(s).

NUSF-  
37.292 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. U.S. Telcom Long Distance, Respondent(s).

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order combining the NUSF wireless telecommunications support with the NEBP broadband funding starting in 2014. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Frank Landis presiding as Hearing Officer.

NUSF-69 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services; and,

NUSF-77,  
PO #8 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.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-85/ In the Matter of the Application of Total Call Mobile,  
C-4550 Inc., Gardena, California, seeking designation as an  
Eligible Telecommunications Carrier for the limited purpose  
of participating in the Lifeline program. Commissioner Anne Boyle  
presiding as Hearing Officer: This matter was discussed on the  
Communications Department agenda.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 7 consumer com-  
plaints and inquiries received during August. For each company: Black  
Hills 1; SourceGas 3; NorthWestern 0; and Other Entities 3.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and  
#187 Regulations, to add rules regarding adequacy of service and  
prohibiting call blocking and choking. Commissioner Frank  
Landis presiding as Hearing Officer: Nichole Mulcahy informed the  
Commission that the rules were signed by the Governor and filed with  
the Secretary of State on August 28, 2013 and became effective  
September 2, 2013.

TRANSPORTATION DEPARTMENT

B-1751 In the Matter of Chad Schinstock, dba Schinny's Wild Ride,  
West Point: Motion made by Commissioner Jerry Vap, seconded  
by Commissioner Rod Johnson, to enter an order revoking the authority  
in Certificate B-1751. Motion passed with Commissioners Anne Boyle,  
Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MCC-3182 In the Matter of Mark Breiner, Director, Motor Transporta-  
tion Department, vs. Firefighters on the Move, Omaha:  
Motion made by Commissioner Tim Schram, seconded by Commissioner Frank  
Landis, to enter an order dismissing the complaint with prejudice.  
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank  
Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

BR-431 In the Matter of Transport Plus, Lincoln, seeking authority  
to adjust its rates and charges: Motion made by Commis-  
sioner Frank Landis, 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.

TRANSPORTATION DEPARTMENT (Cont.)

BR-432 In the Matter of Omaha & Lincoln Metro, 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 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 a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: Tariff 7F was increased to \$1.16 per mile and the Tariff 22 to \$8.12 per truck per trip.

HOUSING AND RECREATIONAL VEHICLES DEPARTMENT

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter orders for Dockets RVF-7, MODF-7 and MANF-6. Motion passed with Commissioners Anne Boyle, Frank Landis, Rod Johnson, Tim Schram and Jerry Vap voting AYE.

RVF-7 In the Matter of the Commission, on its own motion, seeking to determine the fees for the Recreational Vehicle Program.

MODF-7 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Modular Housing Program.

MANF-6 In the Matter of the Commission, on its own motion, seeking to determine the seal fee amount for the Manufactured Home Program.

GRAIN WAREHOUSE DEPARTMENT

GW-279 In the Matter of the Application of Farmers Cooperative, Dorchester, requesting a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the \$25,000.00 stock insurance deductible. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GW-279 In the Matter of Farmers Cooperative, Dorchester: John Fecht discussed a shortage of soybeans.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GDC-439 In the Matter of John A. Fecht, Director, Warehouse Department, Nebraska Public Service Commission, Complainant, v. Frontier Trading Inc., Roff, Oklahoma a/k/a Heartland-Frontier Trading Company and Frontier Trading Company, Respondent. Commissioner Jerry Vap presiding as Hearing Officer: John Fecht informed the Commission that a Hearing Officer order was entered August 26, 2013 continuing the hearing previously scheduled for August 28, 2013 to October 1, 2013 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

GENERAL ADMINISTRATION

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

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| AS Personnel-SOS                               | \$ | 1,001.13 |
| AS-Risk Management-MV Physical Damage Coverage |    | 3,486.31 |
| Ted Burkey                                     |    | 1,478.25 |
| Fred Massing                                   |    | 3,313.00 |
| Ken Stadler                                    |    | 1,600.00 |
| Kent Pribyl                                    |    | 1,381.23 |
| Anne Boyle                                     |    | 745.80   |
| Tim Schram                                     |    | 691.56   |

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to enter into a contract with Mobile Pulse for the purpose of broadband data verification with costs of the contract to be paid for by the federal Broadband Mapping grant. 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 approve the contract with Mission Critical Partners to conduct the Next Generation 911 study. 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 authorize Nichole Mulcahy to travel to and attend the EUCI Conference on Improving Regulatory Outcomes: A How-To Guide, to be held in Chicago, Illinois on October 28-29, 2013. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:26 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 September 10, 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 September 9, 2013.

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Chair

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Executive Director