

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. Chair Boyle announced that the Commission meeting scheduled for November 5, 2013 will be held at 9:00 a.m. instead of 10:00 a.m.

GENERAL ADMINISTRATION

Notice was duly published September 24, 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 October 1, 2013 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

C-4272/
PI-169 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate practices related to network reliability and requirements governing notification for service interruptions: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-4625/
PI-189 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of non-impaired wire center lists pursuant to the Triennial Review Remand Order: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter a protective order. 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 enter an order granting the joint motion to vacate in Dockets FC-1332 and FC-1335. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Tim Schram presiding as Hearing Officer:

FC-1332 In the Matter of the Formal Complaint 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.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1335 In the Matter of the Formal Complaint 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.

CG 13-24 Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Service and Speech-to-
CG 03-123 Speech Services for Individuals with Hearing and Speech Disabilities: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve staff drafting comments. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand reported that due to the Federal Government shutdown, Keith Adams from the United States Department of Agriculture will not be able to attend the Connecting Nebraska Broadband Conference as the luncheon speaker on October 17, 2013.

Gene Hand reported that National Association of Regulatory Utility Commissioners (NARUC) staff created a listserve to more effectively collaborate and prepared to evaluate expected future Federal Communications Commission (FCC) Call Completion orders. He also noted that the FCC has a Rural Call Completion order on circulation which is on the tentative FCC meeting agenda scheduled for October 22, 2013.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

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 Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the audit waiver. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-57.02 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Telehealth Program: Nebraska Statewide Telehealth Network's June 20, 2013 request for consideration and approval of changes to the Nebraska Telehealth Network support mechanism. Commissioner Anne Boyle presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the request. 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-77 PO #9 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. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order seeking comments due October 11, 2013 and scheduling a hearing for October 30, 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.

Sue Vanicek discussed the Hearing Officer's Orders entered September 24, 2013, granting withdrawal of formal interventions in Dockets NUSF-77.08; NUSF-77.13 thru NUSF-77.15; NUSF-77.17; NUSF-77.18; NUSF-77.20; NUSF-77.22 and NUSF-77.23. Commissioner Frank Landis presiding as Hearing Officer:

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.

NUSF-77.13 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 Great Plains Communications, Inc.

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.

NUSF-77.15 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 Pierce Telephone Company.

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.

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.
- 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, Inc., d/b/a Viaero Wireless.
- 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.
- 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.

RULES AND REGULATIONS

Rule and Regulation #185 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to amend Title 291, Chapter 11, Automatic Dialing-Announcing Devices Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 720 [2008] now codified in Neb. Rev. Stat. §§ 86-236 to 86-257 (Reissue 2008): Nichole Mulcahy informed the Commission that the rules were signed by the Governor and filed with the Secretary of State on September 23, 2013 and became effective September 28, 2013.

TRANSPORTATION DEPARTMENT

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

GRAIN WAREHOUSE DEPARTMENT

GW-1119 In the Matter of Trotter, Incorporated, Arcadia: John Fecht discussed a shortage of corn and soybeans.

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: John Fecht discussed the Hearing officer order entered September 26, 2013 continuing the hearing from October 1, 2013 to November 13, 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.

Attorney General	\$	5,444.00
AS Central Services-OCIO-Network Services		3,411.62
University of Nebraska-Business Bureau Research		9,960.75
Latimer Reporting		566.50
Anne Boyle		813.60
Rod Johnson		959.37
Tim Schram		691.56

The meeting adjourned at 10:17 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 October 8, 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 October 7, 2013.

Chair

Executive Director