

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 October 1, 2013 on Page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held October 8, 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 September. She reported a total of 60 complaints: 38 wireline and 22 wireless. The complaints were categorized as 11 billing, 43 service and 6 miscellaneous issues.

C-4622/ NUSF-90 In the Matter of the Application of i-wireless, LLC, Newport, Kentucky, seeking limited designation as a LifeLine-Only designation as an Eligible Telecommunications Carrier in the State of Nebraska: Commissioner Anne Boyle was appointed as Hearing Officer.

FC-1360 In the Matter of the Formal Complaint of Carquest of McCook, McCook, v. CenturyLink, Minneapolis, Minnesota, alleging inadequate service and unfair billing practices: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order dismissing the complaint. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

CG 13-24 Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve filing comments due October 18th. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. A draft of the comments will be circulated prior to filing.

COMMUNICATIONS DEPARTMENT (Cont.)

NUSF-89/
C-4621 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the operations of Telrite Communications d/b/a Life Wireless, an Eligible Telecommunications Provider for the limited purpose of participating in the Lifeline Program within the state of Nebraska, for violations of Commission Rules and Regulations regarding Lifeline in Nebraska: This matter was discussed on the Telecommunications Infrastructure and Public Safety (NTIPS) Department agenda.

Gene Hand informed the Commission that the Nebraska Commission for the Deaf and Hard of Hearing selected John Wyvill as their new Executive Director.

Gene Hand reported both Mobile Pulse and BroadMap intend to be represented at the Broadband Connecting Nebraska Conference and the eight regional broadband plans have been submitted to the Commission.

Commissioner Anne Boyle entered the Commission Hearing Room.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

NUSF-1,
PO #7 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Nebraska Long Distance, LLC: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to accept the deviation of audit language, as presented. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-91 In the Matter of the Commission, on its own motion, seeking to increase broadband adoption among low-income consumers through the development of a Nebraska broadband telephone assistance program: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order extending the comment due date from October 11, 2013 to October 25, 2013. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram, and Jerry Vap voting AYE. Commissioner Frank Landis was appointed as Hearing Officer.

NUSF-90/
C-4622 In the Matter of the Application of i-wireless, LLC, Newport, Kentucky, seeking limited designation as a Lifeline-only Eligible Telecommunications Carrier in the State of Nebraska: This matter was discussed on the Communications Department Agenda.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-89/
C-4621 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the operations of Telrite Communications d/b/a Life Wireless, an Eligible Telecommunications Provider for the limited purpose of participating in the Lifeline Program within the state of Nebraska, for violations of Commission Rules and Regulations regarding Lifeline in Nebraska. Commissioner Anne Boyle presiding as Hearing Officer: Sue Vanicek informed the Commission that Telrite has filed an appeal regarding their ETC revocation.

Sue Vanicek discussed the Hearing Officer Orders entered October 7, 2013 in Dockets NUSF-69.13 thru NUSF-69.15, setting a procedural schedule with testimony due October 22, 2013 and scheduling a hearing for November 4, 2013 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis presiding as Hearing Officer:

NUSF-69.13 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: Petition received June 27, 2013 from Pinpoint Wireless, Inc., d/b/a BLAZE Wireless.

NUSF-69.14 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: Petition received July 1, 2013 from N. E. Colorado Cellular, Inc., d/b/a Viaero Wireless.

NUSF-69.15 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: Petition received July 1, 2013 from United States Cellular Corporation.

NATURAL GAS DEPARTMENT

NG-0075 In the Matter of the Application of Koch Energy Services, LLC, Wichita, KS, seeking authority for a Competitive Natural Gas Provider Certificate in the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter a Protective Order. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Laura Demman reported a total number of 8 consumer complaints and inquiries received during September. For each company: Black Hills 2; SourceGas 3; NorthWestern 0; and Other Entities 3.

TRANSPORTATION DEPARTMENT

B-1515 In the Matter of Dwaine A. & Deborah S. Trease, dba Special Moments Limousine, Clearwater: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order suspending authority in Certificate B-1515 until October 1, 2014. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1676 In the Matter of Trease Enterprises, Inc., Clearwater: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order suspending authority in Certificate B-1676 until October 1, 2014. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1846 In the Matter of Jay Johnson, Bertrand, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in Phelps, Gosper, Dawson, Frontier, Buffalo, and Harlan 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: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order revoking authority in Certificate B-1846. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

B-1854 In the Matter of Groome Transportation, Inc., Sandston, Virginia, seeking to acquire through transfer the authority granted to OMALiNK, Inc., Lincoln, in Certificate B-1628: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting temporary authority in Certificate B-1854. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

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: The Tariff 7F fuel surcharge was decreased to \$1.10 per mile and the Tariff 22 to \$7.60 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2173 In the Matter of Emerson Grain, L.L.C., Emerson: John Fecht discussed a shortage of corn.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the request to cancel grain warehouse and grain dealer licenses in Dockets GW-2173 and GD-2173. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE:

GW-2173 In the Matter of Emerson Grain, L.L.C., Emerson, seeking to cancel their grain warehouse license.

GD-2173 In the Matter of Emerson Grain, L.L.C., Emerson, seeking to cancel their grain dealer license.

Grain Dealer Division

GD-2956 In the Matter of the list of 3rd quarter grain dealer license renewals: John Fecht presented a list of the final renewals of the 3rd quarter licenses.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, 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.

Ted Burkey	\$	2,764.50
Fred Massing		5,874.00
Parish, Blessing & Associates		720.53
Ken Stadler		1,600.00
Voyager		1,925.50
Kent Pribyl		571.13

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

A.G.N. Sales	\$	333.84
Alternative Hearing		876.52
Beltone		958.41
Complete Hearing Solution		257.25
Glassman Hearing Aid Technology		571.17
Grand Island Hearing Aid		654.41
Hamilton Telephone Company		151.87
Harris Communications		345.85
LS & S, LLC		462.60
Carl A. Johnson		1,154.61
Sprint Communications		399.98
Teltex, Inc.		362.60
Weitbrecht Communications		218.00

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission minutes for September 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 Frank Landis, to approve the Executive Director's recommendation to renew an agreement with Fred Massing for the purpose of modular housing unit and manufactured home factory inspections in the State of Nebraska, effective October 17, 2013. 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 purchase four (4) desktop computers for use in the Grain Warehouse Department (1), Motor Transportation Department (1), and Nebraska Telecommunications Infrastructure and Public Safety Department(2). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:19 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 22, 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 21, 2013.

Chair

Executive Director