

Chair Anne Boyle called the regularly scheduled meeting to order at 9:00 a.m. with Commissioners Anne Boyle, Frank Landis, Gerald Vap and Tim Schram present, and Commissioner Rod Johnson excused. 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 October 29, 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 November 5, 2013 at 9:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, November 5 and Wednesday, November 6, 2013:

10:00 Commission Hearing Room, Lincoln.
NUSF-77 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.

Tuesday, November 12, 2013:

1:30 Commission Hearing Room, Lincoln.
NG-0074 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC d/b/a Black Hills Energy, Omaha, seeking approval of an infrastructure system replacement cost recovery charge, pursuant to Sections 66-1865 and 66-1866 of the State Natural Gas Regulation Act. Commissioner Frank Landis presiding as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ In the Matter of the Nebraska Public Service Commission, on
PI-117 its own motion, seeking to establish audit requirements related to the Wireless Enhanced 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve Sprint's request for an extension to March 31, 2014 to complete the E911 remittance audit for the 2012 data period, due December 31, 2013. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter Orders in Dockets 911-042.13, 911-042.22, 911-042.34, 911-042.44, 911-042.68, 911-042.69, and 911-042.71, setting a hearing for December 3, 2013 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. Commissioner Rod Johnson was appointed as Hearing Officer:

- 911-042.13 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: Merrick County.
- 911-042.22 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: City of Columbus.
- 911-042.34 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: Polk County.
- 911-042.44 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: Boone County.
- 911-042.68 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: Butler County.
- 911-042.69 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: Nance County.
- 911-042.71 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: Saunders County.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911- 042.30 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: Jefferson County: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order approving use of funding; and to enter an order denying the request to use funds. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter orders dismissing the complaints in Dockets NUSF-37.294 and NUSF-37.295. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting:

NUSF-37.294 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Convergia, Inc., Respondent.

NUSF-37.295 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. KDDI America, Inc., Respondent.

NUSF-77.10 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 Citizens Telephone Company of Nebraska, d/b/a Frontier Communications of Nebraska. Commissioner Frank Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer's Order entered on November 1, 2013, granting the motion to admit a non-resident attorney.

NUSF-91 In the Matter of the Commission, on its own motion, to increase broadband adoption among low-income consumers through the development of a Nebraska broadband telephone assistance program. Commissioner Frank Landis presiding as Hearing Officer: Sue Vanicek discussed the Hearing Officer's Order entered November 1, 2013, granting the motion of Time Warner Cable to submit late-filed comments.

TRANSPORTATION DEPARTMENT

B-1771 In the Matter of Larry Schmidt, dba Your Own Limousine, Supp. 3 Kearney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in special party and charter in the state of 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 Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

B-1843 In the Matter of MV Public Transportation, Inc., Dallas, Texas, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers by bus between points in Lancaster County. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Rate Division

BR-436 In the Matter of Jone-Z Party Bus, Omaha, seeking authority to adjust 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, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

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 \$1.08 per mile and the Tariff 22 fuel surcharge to \$7.32 per truck per trip.

HOUSING AND RECREATIONAL VEHICLES DEPARTMENT

Mark Luttich provided an update on the financial status of the department.

GRAIN WAREHOUSE DEPARTMENT

GW-2186 In the Matter of the Application of Green Plains Grain Company, LLC, Omaha, requesting a \$25,000.00 deductible on its stock insurance: Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter an order granting the \$25,000.00 deductible on stock insurance. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GENERAL ADMINISTRATION

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

AS-Central Services	\$	880.18
Fred Massing		2,542.00
Petersen Reporting		561.92
Ken Stadler		1,600.00
Kent Pribyl		1,019.12
Anne Boyle		970.72
Rod Johnson		870.10
Frank Landis		206.23
Tim Schram		653.14

The meeting adjourned at 9:16 a.m. with Commissioners Anne Boyle, Frank Landis, Gerald Vap and Tim Schram present, and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on November 13, 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 November 12, 2013.

Chair

Executive Director