

Chairman Frank Landis called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. Chairman Frank 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 April 1, 2014 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 8, 2014 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, April 8, 2014:

1:30 Commission Hearing Room, Lincoln.
MCC-3185 In the Matter of Mark J. Breiner, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant, vs. Ameristar Tours, LLC, Black Tie Limousine, Inc., Dashabout Roadrunner, Inc., Denver Coach, Inc., Haleel Medical Transportation, Laidback Limousine, Inc., LLC, Omaha Bar Scene, Omaha Fiesta Bus, Prince & Princess Limousine, Curtis E. Service, and Freight Train Express, LLC, Respondents. Commissioner Tim Schram presiding as Hearing Officer.

Monday, April 14, 2014:

10:00 Commission Hearing Room, Lincoln
E-911 Advisory Board Meeting

COMMUNICATIONS DEPARTMENT

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter orders granting applications AD-574r and AD-575. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

AD-574r In the Matter of the Application of FLS Connect, LLC, St. Paul, Minnesota, seeking authority to register the connection of an automatic dialing-announcing device.

AD-575 In the Matter of the Application of Genesys Telecommunications Laboratories, Inc., Daly City, California, seeking authority to connect an automatic dialing-announcing device in Somerville, Massachusetts.

COMMUNICATIONS DEPARTMENT (Cont.)

C-4459/ PI-185 In the Matter of the Nebraska Public Service Commission, on its own motion, to investigate and monitor compliance with federally mandated intercarrier compensation reform. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter a progression order. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Gene Hand reported on the Omaha Future Business Leaders of America (FBLA) survey results and provided some preliminary results from the Internet Connectivity and Use in Nebraska study that will be released later this month.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-050.01 In the Matter of the Second Petition of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, for support from the E-911 Wireless Service Provider (WSP) Grant Program. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order scheduling a hearing for May 13, 2014 at 2:00 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.

NUSF-32.13 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure by certain telecommunications companies to comply with Commission Rules or Orders and to impose administrative fines: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order initiating show cause and scheduling a hearing for May 20, 2014 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 Tim Schram was appointed as Hearing Officer.

LEGISLATIVE

Angela Melton discussed pending legislation.

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 decreased to \$1.12 per mile and the Tariff 22 fuel surcharge to \$7.92 per truck per trip.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2934 In the Matter of the Expiration of the Grain Dealer License of Clark Specialty Grains LLC, Gothenburg, Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order scheduling a claims hearing for June 18, 2014, at a location to be determined. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. Commissioner Jerry Vap was appointed as Hearing Officer.

GD-2950 In the Matter of Blackstrap Inc., Neligh: Nichole Mulcahy presented a request for cancellation of the grain dealer license effective April 1, 2014.

GENERAL ADMINISTRATION

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

Voyager \$ 2,499.99

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve Commission minutes for March 2014. 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 Tim Schram, to approve the Executive Director's recommendation to authorize Scott Elston to attend the Federal Railroad Administration (FRA) MP&E Recurrency 2014 Class to be held in Des Moines, Iowa, from May 5-9, 2014 with all expenses to be paid by the FRA. 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 Anne Boyle, to approve the Executive Director's recommendation to authorize Commissioners Anne Boyle, Rod Johnson, Frank Landis and Tim Schram to travel to and attend the National Association of Regulatory Utility Commissioners Summer Conference to be held in Dallas, Texas from July 12-16, 2014. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to authorize Gene Hand, Angela Melton, and Sue Vanicek to travel to and attend the National Association of Regulatory Utility Commissioners Summer Conference to be held in Dallas, Texas from July 11-16, 2014. 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 Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to enter into an agreement with Rodney Brand for the purpose of assisting the Grain Warehouse Department with the disposition of grain in relation to the closure of Pierce Elevator, Inc. effective April 8, 2014. 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 Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to enter into an agreement with Jeff Hartman for the purpose of assisting the Grain Warehouse Department with the disposition of grain in relation to the closure of Pierce Elevator, Inc. effective April 8, 2014. 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 Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to enter into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission entered into closed session at 10:28 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation to return to open session. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. The Commission returned to open session at 10:30 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve a salary increase for an employee in the General Administration Department. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to ratify the hiring of Joselyn Luedtke as Legal Counsel for the Commission effective May 5, 2014. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

The meeting adjourned at 10:31 a.m. with Commissioners Anne Boyle, Frank Landis, Tim Schram and Gerald Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on April 15, 2014 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 14, 2014.

Chairman

Executive Director