

Chairman Tim Schram called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Frank Landis, Tim Schram and Gerald Vap present. Chairman Schram announced that a copy of the Nebraska Open Meetings Act is posted in the meeting room and invited the public to address the Commission. No public comments were received. No announcements were made.

## GENERAL ADMINISTRATION

Notice was duly published April 19, 2016 on Page 4 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on April 26, 2016 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Monday, May 2, 2016:

10:00 Commission Hearing Room, Lincoln  
NG-0086 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, seeking Approval of Its Cost of Service Gas Hedge Agreement with Black Hills Utility Holdings, Inc. Commissioner Frank Landis presiding as Hearing Officer.

Tuesday, May 3, 2016:

10:00 Commission Hearing Room, Lincoln  
Commission Meeting

11:00 Commission Hearing Room, Lincoln  
NG-0086 In the Matter of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, seeking Approval of Its Cost of Service Gas Hedge Agreement with Black Hills Utility Holdings, Inc. Commissioner Frank Landis presiding as Hearing Officer.

## COMMUNICATIONS DEPARTMENT

C-4824 In the Matter of the Application of BT Communications Sales, LLC, Reston, Virginia, seeking approval to withdraw its local exchange and interexchange certificates of authority and cancel its tariff: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, Commissioner Rod Johnson present not voting, and Commissioner Crystal Rhoades excused not voting.

Commissioner Rod Johnson entered at 10:02 a.m. Commissioner Crystal Rhoades entered at 10:03 a.m.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-4825 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an Interconnection Agreement with McLeodUSA Telecommunications Services, LLC, Little Rock, Arkansas;
- C-4827 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an Interconnection Agreement with Windstream IT-Comm, LLC, Little Rock, Arkansas;
- C-4828 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an Interconnection Agreement with Windstream KDL, Inc., Little Rock, Arkansas; and
- C-4829 In the Matter of the Application of Qwest Corporation d/b/a CenturyLink QC, Denver, Colorado, seeking approval of an Interconnection Agreement with Windstream of the Midwest, Inc., Little Rock, Arkansas: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter orders granting applications C-4825, C-4827, C-4828, and C-4829. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Gene Hand reported on the April 2016 Area Code Exhaust Forecast.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

- NUSF-4 PO #22 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act beginning July 1, 2016: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order setting a hearing for May 25, 2016 at 11:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.
- NUSF-37.328 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Fibervision, LLC, Respondent(s); and
- NUSF-37.329 In the Matter of Sue Vanicek, Director of the Nebraska Telecommunications Infrastructure and Public Safety Department of the Nebraska Public Service Commission, Complainant, v. Skybeam Acquisition Corporation, Respondent(s): Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter Orders dismissing the Complaints for Dockets NUSF-37.328 and NUSF-37.329: Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TELECOMMUNICATIONS, INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-92.03 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from Cambridge Telephone Company: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an Order extending the Bartley 6 project completion date to June 24, 2017. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

Commissioner Rod Johnson discussed a possible delay for Stanton Telecom for similar reasons.

NUSF-92.48 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to administer the Nebraska Universal Service Fund's Broadband Program: Application to the Nebraska Broadband Program received from NE Colorado Cellular, Inc., d/b/a Viaero Wireless: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter a corrective order due to a pagination error in the Protective Order entered April 19, 2016. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE

RULES AND REGULATIONS

Rule and Regulation #197 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 review the rules and update and clarify provisions of the rules: Motion made by Commissioner Frank Landis, seconded by Commissioner Crystal Rhoades, to enter an order opening a docket and setting a workshop held on May 25, 2016 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1885 In the Matter of National Health Transport, Inc., Omaha, seeking authority as a common carrier in the non-medical transportation of passengers by van between points in Douglas, Lancaster, and Sarpy Counties. RESTRICTION: the transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. Motion made by Commissioner Crystal Rhoades, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

B-1891 In the Matter of Seward Limo, LLC, seeking to cancel its Certificate of Public Convenience and Necessity issued in Application No. B-1891: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order cancelling the certificate. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

BR-501/  
B-1645 In the Matter of R & A Transport, York, seeking to amend its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3 (Supp. 2015): Motion made by Commissioner Rod Johnson, seconded by Commissioner Crystal Rhoades, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, 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 fuel surcharges in Nebraska Official Goods Tariff 7F and Tariff 22: Mark Breiner reported to the Commission that the Tariff 7F fuel surcharge increased to \$0.46 and the Tariff 22 fuel surcharge increased to \$1.00.

GENERAL ADMINISTRATION

Chairman Schram invited the public to address the Commission. No public comments were received.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to approve Commission invoices. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

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|--------------------------------------|----|----------|
| AS Central Services-Network Services | \$ | 2,685.67 |
| Gerald Vap                           |    | 761.40   |

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve Mark Luttich to travel to and attend the United States Department of Housing and Urban Development's (HUD) State Administrative Agency (SAA) Primary Inspection Agency (PIA) National Meeting in Washington, D.C. on June 13 through June 16, 2016, with all expenses to be paid by HUD. Motion passed with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:16 a.m. with Commissioners Rod Johnson, Frank Landis, Crystal Rhoades, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on May 3, 2016 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 2, 2016.



Chairman



Executive Director