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Chair Boyle called the regularly scheduled meeting to order at 1:37 p.m. with Commissioners Boyle, Rod Johnson, and Vap present and Commissioners Lowell Johnson and Landis excused.

GENERAL ADMINISTRATION

Notice was duly published March 26, 2002, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on April 2, 2002, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

TRANSPORTATION DEPARTMENT

- B-1194 In the Matter of Crusader Coach Lines, Inc., Logan, Iowa, seeking revocation and cancellation of the common carrier authority in Certificate B-1194: Upon agreement of all Commissioners present, the revocation was granted and authority in B-1194 revoked.
- B-1461 In the Matter of Geneva Motors, Inc., Geneva, seeking revocation and cancellation of the common carrier authority in Certificate B-1461: Upon agreement of all Commissioners present, the revocation was granted and authority in B-1461 revoked.
- B-1517 In the Matter of Comstock Corporation, dba Action Cab, Grand Island, seeking to acquire, through transfer, the authority granted to Hastings Taxi and Transportation Services, LLC, Hastings, in Certificate B-1507: Upon agreement of all Commissioners present, the application was granted and Certificate B-1507 revoked.
- B-1572 In the Matter of Mark Hamilton, dba Interstate Security Service, Kearney, seeking authority as a common carrier in Nebraska intrastate commerce for the transportation of prisoners and juvenile offenders in vans and sedans in open class service including clients of Nebraska Department of Health and Human Services between points in Nebraska over irregular routes: Upon agreement of all Commissioners present, the application was granted as amended.
- B-1581 In the Matter of Servant Cab Company, LLC, dba Yellow Cab Company & Capital Cab Company, Lincoln, seeking to acquire, through transfer, the authority granted to Husker Cabs Incorporated, Lincoln, in Certificate B-1273: Upon agreement of all Commissioners present, the application was granted and Certificate B-1273 revoked.
- M-12171 In the Matter of Star Warehousing Company, dba Star Van & Storage Co., Lincoln, seeking suspension of the Certificate of Convenience and Necessity issued in Certificate M-12171 until April 1, 2003: Upon agreement of all Commissioners present, the application was granted and Certificate M-12171 suspended.

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TRANSPORTATION DEPARTMENT (Cont.)

B-1576 In the Matter of Lupercio Lopez DeLeon, dba Taxi Latino, Grand Island, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi between points in Hall County and between points in Hall County, on the one hand, and, on the other hand, points in Nebraska over irregular routes: The video hearing previously scheduled for May 1, 2002, was continued to May 2, 2002, at 10:00 a.m. in the Commission Library, Lincoln; College Park, Conference Room C, 3180 West Highway 34, Grand Island; and Von Riesen Library, Room 6, Basement Level, 1205 East 3rd Street, McCook.

B-1578 In the Matter of Carlos E. Ortega, Schuyler, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxi between points in Colfax County and between points in Colfax County, on the one hand, and, on the other hand, points in Nebraska over irregular routes: A hearing was set for May 9, 2002, at 9:00 a.m. in the Commission Hearing Room, Lincoln.

B-1580 In the Matter of Charles A. Ward, dba Panda Transportation, Valentine, seeking authority as a common carrier in Nebraska intrastate commerce in open class service in the transportation of Health and Human Service clients and prisoners: A video hearing was set for May 16, 2002, at 9:00 a.m. in the Commission Library, Lincoln, and Cherry County Extension Office, 110 West 4th Street, Valentine.

FC-1293 In the Matter of Prince of the Road vs. Action Cab: A hearing was set for May 8, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

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 Household Goods Tariff 7-E: The fuel surcharge was retained at six cents and the taxi surcharge at 15 cents per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-452 In the Matter of John A. Fecht, Complainant, vs. Reikofski Grain, Inc., Foster, Defendant: A letter was prepared and approved by the Commission outlining what each claimant must do to sell their grain or take redelivery. The Commission also approved a plan submitted by the Defendant to buy corn with his personal funds and then use the grind and mix facility known as Fac A. No warehouse corn was authorized to use until all storage obligations are settled.

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GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-1711 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-568 in the amount of \$121,200.00, issued on behalf of B & G Corporation, Upland: The application was granted effective April 1, 2002.

GW-2138 In the Matter of Atlanta Elevator, Inc., Atlanta and Funk: John Fecht reported on the previous weeks corn load out at Funk and hoped that the soybean load out could be completed by the end of this week.

Grain Dealer Division

GD-2814 In the Matter of John A. Fecht, Complainant, vs. Colorado
GWC-369 Sweet Gold, Johnstown, CO, Defendant: A Complaint, Order for Hearing, and Order to Show Cause were entered. A hearing was set for May 7, 2002, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT

AD-281r In the Matter of J.C. Penney Co., Omaha, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners present, the application was granted.

AD-282 In the Matter of Puppchen Inc., d/b/a National Account Systems of Omaha, Omaha, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners present, the application was granted.

FC-1297 In the Matter of Alltel Nebraska, Inc. and ALLTEL Communications of Nebraska, Inc., Complainant, vs. Qwest Corporation, Respondent, requesting a review of Qwest's Common Channel Switched Access Capability Signaling rate elements as set forth in Qwest's Access Service Catalog: Gene Hand informed the Commission that Qwest's answer date is April 15, 2002.

C-1471 In the Matter of US West Communications, Inc., Omaha, seeking authority for an interconnection cost adjustment mechanism: Upon agreement of all Commissioners present, an order was entered closing the docket.

C-1830 In the Matter of US West Communications, Inc., Denver, Colorado, seeking authority to file its notice of intention to file Section 271(c) application with the Federal Communications

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Commission (FCC) and request for the Commission to verify US West compliance with Section 271(c): Gene Hand discussed Vendor Technical Conference #3, Final Report, Post-OSS Test, long-term PID Administration, auditing and QPAP review. A draft resolution was distributed to COMMUNICATIONS DEPARTMENT (Cont.)

C-1830 (Cont.) the Commissioners that will be considered at the next Regional Oversight Committee (ROC) meeting to be held from April 14-16, 2002, in Santa Fe, New Mexico. The Commission discussed holding a workshop to address the status of OSS test observations and exceptions and the change management process. The staff will have a proposal drafted for the next Commission meeting. Gene Hand informed the Commission that the Hearing Officer granted AT&T's request that the filing deadline be extended until April 11, 2002, for proposed findings and conclusions regarding the March 11-13, 2002, hearing.

C-2008 In the Matter of Maxxis Communications, Inc., Tucker, Georgia, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska; and,

C-2292/ DC-33 The Nebraska Public Service Commission. Communications Department, seeking an order to cease and desist operations and to revoke the Certificates of Public Convenience and Necessity issued to the named defendants (IXCs): Gene Hand discussed the letter received from Maxxis Communications, Inc. requesting a reduction in their fine of \$10,110.00 due to failure to file their annual report for 1999. Upon agreement of all Commissioners present, the staff will inform Maxxis Communications that the request has been denied.

C-2516/ PI-49 In the Matter of the Commission, on its own motion, seeking to investigate Qwest Corporation's rates for interconnection, unbundled network elements, transport and termination and resale services: Shana Knutson discussed the status of the draft order and will discuss it later with each Commissioner.

C-2621/ PI-53 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of A211" in Douglas and Sarpy Counties for access to First Call for Help (FCFH), a comprehensive information and referral Service: Gene Hand informed the Commission that a reminder notice would be sent concerning implementation of 211, including suggested directory and bill insert language.

C-2660 In the Matter of the joint application of Weston Telecommunications, L.L.C. (Weston) and Easton Telecom Services, Inc. (Easton), both of Richfield, Ohio, seeking approval for Weston to acquire certain assets from Easton: Upon agreement of all Commissioners, the application was granted.

C-2666 In the Matter of Qwest Corporation, Denver, Colorado, seek-

ing approval of its revised statement of generally available terms (SGAT) pursuant to Section 252(f) of the 1996 Telecommunications Act: Gene Hand discussed the idea of a policy regarding SGAT interconnection agreements. The staff was directed to draft such a policy for Commission review.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2677 In the Matter of Eustis Acquisition Co., Inc. and Home Acquisition Co., Inc., both of Lincoln, jointly seeking authority to merge Eustis Acquisition Co., Inc. into Home Acquisition Co., Inc.: Upon agreement of all Commissioners present, the application was granted.

C-2678 In the Matter of Marathon Communications Corporation, d/b/a Marathon USA, Marietta, Georgia, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2679 In the Matter of KMC Telecom III, Inc., Lawrenceville, Georgia, seeking approval of a name change from KMC Telecom III, Inc. to KMC Telecom III, L.L.C.: Upon agreement of all Commissioners present, the application was granted.

C-2688 In the Matter of Stanton Telecom, Inc., Stanton, seeking authority to issue long-term indebtedness: Upon agreement of all Commissioners present, the application was granted.

C-2704 In the Matter of the petition from residents of the Pilger exchange, served by Qwest Corporation, requesting extended area service (EAS) to the Wisner exchange, served by Great Plains Communications: Gene Hand informed the Commission that the requested usage study was filed March 28, 2002.

C-2716 In the Matter of the petition from residents of the Bertrand exchange, served by Citizens Communications, requesting extended area service (EAS) to the Holdrege exchange, served by Qwest Communications: Gene Hand informed the Commission that the requisite number of eligible customers signed petition and, therefore, this docket was opened. The usage study from Citizens Communications is due on or before May 13, 2002.

Upon agreement of all Commissioners present, the following interconnection agreements and amendments were approved and applications granted:

C-2680 In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and New Edge Network, Inc., d/b/a New Edge Networks, Vancouver, Washington, jointly seeking approval of an amendment to their wireline interconnection agreement (previously approved in Application C-2165).

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C-2681 In the Matter of the joint application for approval of a master interconnection and resale agreement between United Telephone Company of the West, dba Sprint, Overland Park, Kansas, and Premiere Network Services, Inc., DeSoto, Texas.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2685 In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and Covad Communications Company, Santa Clara, California, jointly seeking approval of an amendment to their wireline interconnection agreement (approved in Application C-2325).

C-2686 In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and ALLTEL Communications, Lincoln, jointly seeking approval of an amendment to their type 2 wireless interconnection agreement (approved in Application C-1505).

C-2691 In the Matter of the joint application of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, and Preferred Carrier Services, Inc., Addison, Texas, seeking approval of their master interconnection and resale agreement.

C-2692 In the Matter of the joint application of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, and Direct2Internet Corporation, Boca Raton, Florida, seeking approval of their master interconnection and resale agreement.

C-2693 In the Matter of the joint application of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, and Digital Telecommunications, Inc., d/b/a DTI, Winona, Minnesota, seeking approval of their master interconnection and resale agreement.

Gene Hand discussed the interest to-date for positions on the Nebraska Internet Enhancement Fund (NIEF) Advisory Board.

Gene Hand informed the Commission that a letter was received on March 24, 2002, from Glenna Lawson, State Vice President for Frontier, addressing follow up issues from a service quality discussion held on March 6, 2002. A copy of the letter was provided to the Commissioners.

Gene Hand discussed the schedule for the Department of Communications hosted telecommunications training was discussed and distributed to the Commissioners.

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WIRELESS E-911 DEPARTMENT

Upon agreement of all Commissioners present, the following applications were granted:

WIRELESS E-911 DEPARTMENT (Cont.)

- PSAP-003 In the Matter of Buffalo County PSAP, Kearney, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911.
- PSAP-004 In the Matter of Custer County PSAP, Broken Bow, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911.
- PSAP-005 In the Matter of Hall County PSAP, Grand Island, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911.
- PSAP-006 In the Matter of Dodge County PSAP, Fremont, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911.
- PSAP-007 In the Matter of Cedar County PSAP, Hartington, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911.
- WSP-001 In the Matter of Cricket Communications, San Diego, California, seeking approval of request for funding from Enhanced Wireless 911 Fund: Upon agreement of all Commissioners present, a clarification order was entered.
- PSAP-004.1 In the Matter of Custer County PSAP, Broken Bow, seeking approval of funding for implementation of E911, associated training and salaries: A hearing was set for May 7, 2002, at 2:00 p.m. in the Commission Hearing Room, Lincoln.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

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|--------------------|------------------|
| Larry Fauss | \$ 650.00 |
| Gary Green | 63.27 |
| Gregory Klingsporn | 53.41 |
| David Meyer | 205.82 |
| Gordon Mohr | |
| Anne Boyle | |
| | 374.33 |

Rod Johnson

Upon agreement of all Commissioners present, authorization was granted for Commissioners Boyle, Lowell Johnson and Vap to attend the Mid-America Regulatory Commissioners Annual Conference (MARC) to be held in Bismarck, North Dakota, from June 22-26, 2002.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted for John Burvainis, Kathy Lahman, Brenda Wicken, Rose Price and Dick Palazzolo to attend the Mid-America Regulatory Commissioners (MARC) Annual Conference to be held in Bismarck, North Dakota, from June 22-26, 2002, with most expenses to be paid by MARC.

Upon agreement of all Commissioners present, authorization was granted for Dick Palazzolo to attend the Vendors Technical Conference to be held in Santa Fe, New Mexico, on April 16, 2002, in conjunction with the OSS test.

Upon agreement of all Commissioners present, authorization was granted for Mark Luttich, Steve Rowell and Kent Pribyl to travel to San Antonio, Texas, from May 13-17, 2002, to attend the HUD Manufactured Home Workshop with all expenses to be paid by HUD.

Upon agreement of all Commissioners present, the Administrative meeting previously scheduled for April 9, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln, was changed to a Commission meeting.

Attention was called to the following proceedings:

Tuesday, April 2, 2002:

MCC-3148 Commission Hearing Room, Lincoln.
2:30 CST Andy S. Pollock, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Complainant, vs. Crusader Coach Lines, Inc.; Dashabout Roadrunner, Inc.; Embassy Limousine, Inc.; Geneva Motors, Inc.; Hastings Taxi and Transportation Service LLC; Luxor Limousine; MHCS Transport System; Nebraska City Chamber of Commerce; J & M Limousine; Running Horse Enterprises LLC; Upper Nile Staff, Inc.; AAA Quality Movers; Able Professional Movers, Inc.; Ace Storage & Transfer, Inc.; All American Movers, Inc.; Star Van & Storage Co.; and Smitty's Van & Storage Co.; Respondents. Commissioner Rod Johnson chairing.

Friday, April 5, 2002:

B-1568 Video Hearing. Commission Library, Lincoln; Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam on the Mall, Omaha; Hastings Public Library, 2nd Floor, 517 West 4th Street, Hastings; and Von Riesen Library, Room 6, Basement Level, 1205 East 3rd Street, McCook. Eastern

Horizon Transportation, Inc., Omaha, seeking authority as a common carrier of passengers in Nebraska intrastate commerce to provide van service in open class including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Douglas, Sarpy, Cass and Washington counties and between points in said counties on the one hand, and, on the other hand, points in Nebraska over irregular routes. Commissioner Boyle chairing.

GENERAL ADMINISTRATION (Cont.)

The Commission recessed at 2:38 p.m. and reconvened at 2:43 p.m. with Commissioners Boyle, Rod Johnson and Vap present and Commissioners Lowell Johnson and Landis excused.

GRAIN WAREHOUSE DEPARTMENT

GW-2138 In the Matter Atlanta Elevator, Inc., Atlanta and Funk: John Fecht presented a contract to the Commission for approval. Upon agreement of all Commissioners present, the contract was approved contingent upon the approval of DAS granting a deviation request for a personal service contract over \$25,000. The contract was contingently awarded to 4-F Transportation, Inc., Atlanta, to load and truck the remaining grain out of Atlanta with a tentative completion date of May 31, 2002.

The meeting adjourned at 2:55 p.m. with Commissioners Boyle, Rod Johnson, and Vap present and Commissioner Lowell Johnson and Landis excused. The next regularly scheduled meeting will be held on April 9, 2002, 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 8, 2002.

Chair

Executive Director