

Chair Boyle called the regularly scheduled meeting to order at 1:09 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published July 2, 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 July 9, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Cheryl Elton reported on the quantity and type of complaints received during the past month and year.

Gene Hand discussed correspondence received June 24, 2002, from HunTel.net regarding their progress in providing high-speed internet access.

Gene Hand discussed correspondence received June 24, 2002, from the Nebraska Telecommunications Association, which included a copy of the newly created Telecom Quarterly newsletter.

C-1889 In the Matter of GCC License Corporation (Western Wireless), Issaquah, Washington, seeking designation as an Eligible Telecommunications Carrier that may receive Universal Service support: The Commissioners were provided copies of the Opinion of the Supreme Court of Nebraska received June 28, 2002, the motion by GCC License Corporation (Western Wireless) for reconsideration of a second compliance order received July 1, 2002, and the motion for extension of time on behalf of the Independents received July 8, 2002.

C-2738/
PI-58 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into rates, terms and conditions for wireless terminating traffic: Gene Hand informed the Commission that in consideration of the motion filed by Qwest Corporation requesting an extension of time to file pre-filed testimony and the response to said motion filed by Nebraska Independent Telephone Association and Great Plains Communications, Inc., legal notice was sent on July 2, 2002, whereby Commissioner Anne Boyle, Hearing Officer, granted an extension of time to file pre-filed testimony until July 23, 2002, and notification of any limitations on cross-examinations was granted an extension to August 5, 2002.

Chris Post updated the Commission on staff interaction with the Federal Communications Commission and Department of Justice regarding Qwest's 271 filing.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-286r In the Matter of Pacesetter Corporation, d/b/a Federal Diversified Service, Omaha, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners, the application was granted.

C-2498/
PI-47 In the Matter of the Commission, on its own motion, seeking to determine the appropriate price for Expanded Interconnection Channel Termination (EICT): Upon agreement of all Commissioners, an order was entered closing the docket.

C-2733 In the Matter of Equal Access Communications, L.L.C., d/b/a Equal Access, Casselberry, Florida, seeking authority for a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services and for approval of its initial tariff: Upon agreement of all Commissioners, the application was granted.

C-2740 In the Matter of Keen LD, Inc., San Francisco, California, seeking authority to withdraw its certificate of authority for resold interexchange telecommunications service granted in Application C-2575: Upon agreement of all Commissioners, the application was granted.

Commissioner Landis left the Commission Hearing Room.

C-2741 In the Matter of Ex-Op of Missouri, Inc., d/b/a Unite, Kansas City, Missouri, seeking authority to obtain a Certificate of Public Convenience and Necessity in the state of Nebraska for the purpose of providing local exchange service, exchange access service and intrastate interexchange service: Upon agreement of all Commissioners present, the application was granted.

Commissioner Landis returned to the Commission Hearing Room.

C-2748 In the Matter of the joint application of WorldxChange Corp., San Diego, California, RSL Com U.S.A., New York, New York, seeking authority to transfer and sell assets: Upon agreement of all Commissioners, the application was granted.

C-2742 In the Matter of Qwest Corporation, Denver, Colorado, and Qwest Wireless LLC, St. Paul, Minnesota, seeking approval of an amendment to their type 2 wireless interconnection agreement: Upon agreement of all Commissioners, the amendment was approved.

C-2743 In the Matter of ICG Communications, Inc., Englewood, Colorado, and ALLTEL Nebraska, Inc., Lincoln, seeking approval of their voluntarily-negotiated interconnection agreement: Upon agreement of all Commissioners, the agreement was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-2745 In the Matter of Level 3 Communications, L.L.C., Broomfield, Colorado, and ALLTEL Nebraska, Inc., Lincoln, seeking approval pursuant to Sections 251 and 252 of the Communications Act of 1934, as amended: Upon agreement of all Commissioners, the agreement was approved.
- C-2746 In the Matter of Qwest Corporation, Denver, Colorado, and NPSR/Nextel Partners, Kirkland, Washington, seeking approval of an amendment to a type 2 wireless interconnection agreement, previously approved in Application C-2145: Upon agreement of all Commissioners, the amendment was approved.
- C-2747 In the Matter of Qwest Corporation, Denver, Colorado, and Intrado Communications, Boulder, Colorado, seeking approval of voluntarily-negotiated interconnection agreement: Upon agreement of all Commissioners, the agreement was approved.
- C-2749 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, and Action Communication, Inc., Scottsbluff, seeking approval of their master interconnection and resale agreement: Upon agreement of all Commissioners, the agreement was approved.

Engineering Department

- E-1853 In the Matter of Fremont Department of Utilities, Fremont, seeking authority to construct, operate and maintain electric transmission lines in Dodge County: Upon agreement of all Commissioners, the application was granted.
- E-1954 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Saline County: Upon agreement of all Commissioners, the application was granted.
- E-1955 In the Matter of South Central Public Power District, Nelson, seeking authority to construct, operate and maintain electric transmission lines in Adams and Webster Counties: Upon agreement of all Commissioners, the application was granted.

PIPELINE DEPARTMENT

- P-0005 In the Matter of Metropolitan Utilities District of Omaha, seeking resolution of a dispute under Neb. Rev. Stat. 57-1306: Upon agreement of all Commissioners, an order was entered finding in favor of the defendant (Aquila, Inc.).

UNIVERSAL SERVICE FUND

NUSF 7.02 In the Matter of Great Plains Communications, Inc., seeking a waiver for additional Nebraska Universal Service Funding: Upon agreement of all Commissioners, the request for additional funding was granted.

Jeff Pursley informed the Commission that Alltel had forwarded a letter stating their third party audit statement would be submitted to the NUSF Department on or before August 15, 2002.

WIRELESS E-911 DEPARTMENT

Commissioner Rod Johnson left the Commission Hearing Room.

Kara Thielen reported on:

- Knox County E-911 Landline Implementation
- Alltel Phase I Implementation
- PSAP Phase I Implementation

PSAP-012 In the Matter of Washington County PSAP, Blair, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners present, the application was granted.

PSAP-013 In the Matter of Keith County PSAP, Ogallala, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners present, the application was granted.

PSAP-014 In the Matter of Howard County PSAP, St. Paul, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners present, the application was granted.

WSP-003 In the Matter of Sprint PCS, Overland Park, Kansas, seeking approval of the request for funding of enhanced wireless 911 service: Upon agreement of all Commissioners present, the application was granted.

Commissioner Rod Johnson entered the Commission Hearing Room, Lincoln.

FEDERAL REPORT

Laura Davenport reported on the following issues:

FEDERAL REPORT (Cont.)

Telecommunications

Corporate Issues: Rep. Tauzin has expanded the House Energy and Commerce Committee's probe of WorldCom, Qwest, and Global Crossing to include an investigation of the corporate governance practices of all three companies, plus 10 others. He is requesting general information about the companies' boards of directors, investments held by the directors, and board bylaws. The investigation is aimed at reviewing the extent and quality of management oversight.

Wireless Access Charges: In a July 3, 2002 ruling, the FCC found that commercial mobile radio service (CMRS) providers may collect access charges from interexchange carriers (IXCs) for use of CMRS networks, but that they may not impose such charges without a contractual agreement.

Survey on CLEC Growth: TRDaily conducted a survey that indicated that CLECs appear to be increasing the number of local access lines at a greater rate than Bell companies. In the first quarter, CLECs increased 4.9% in number of local access lines. SBC Communications' access line base shrank by 0.8% in the first quarter compared with the previous quarter, and Verizon Communications lost 0.5% of its access lines.

RULES AND REGULATIONS

Chris Post reported on progress with the Manufactured Housing rules and regulations.

GRAIN WAREHOUSE DEPARTMENT

GW-199 In the Matter of Meyer & Meyer Grain, Randolph: John Fecht updated the Commission on the current status.

GW-1510 In the Matter of Employers Mutual Casualty Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. S-10-84-65 in the amount of \$500,000.00, issued on behalf of Kelley Bean Co., Inc., Morrill, Scottsbluff, Gering, Bayard, Minatare, Lyman, South Mitchell, Henry, Mitchell, Alliance, Berea, Ogallala, and Hemingford: Application was granted effective July 1, 2002.

GW-2008 In the Matter of Richland Grain, Inc., Richland: John Fecht updated the Commission on the current status.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2062 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-807 in the amount of \$47,600.00, issued on behalf of BEEGS, Inc. dba Julian Ag Service, Julian: Application was granted effective July 1, 2002.

GW-2119 In the Matter of M. G. Waldbaum Company dba Wayne Grain & Feed, Wayne: John Fecht updated the Commission on the current status and held a discussion regarding Tracy Heinemann, the accountant for MG Waldbaum.

GW-2120 In the Matter of Deshler Grain & Feed, LLC, Deshler: John Fecht updated the Commission on the current status.

GW-2134 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-981 in the amount of \$285,800.00, issued on behalf of Schaefer Grain & Feed, Inc. dba Schaefer Grain Company, Breslau and Plainview: Application was granted effective July 1, 2002.

GW-2135 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-966 in the amount of \$162,400.00, issued on behalf of Wilhelm Grain, Inc., Humboldt: Application was granted effective June 26, 2002.

GW-2138 In the Matter of Atlanta Elevator, Inc. dba Atlanta Elevator, Atlanta: John Fecht updated the Commission on the current status.

Grain Dealer Division

GD-1315 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 64-4-548 in the amount of \$35,000.00, issued on behalf of Stockman's Feed & Supply, Inc., McCook: Application was granted effective July 1, 2002.

Commissioner Landis left the Commission Hearing Room.

GD-2806 In the Matter of John A. Fecht, Grain Warehouse Director, GDC-376 Complainant, vs. Miller Grain Company, Inc., Salina, Kansas, Defendant: An order was entered revoking the license, making full demand on the Letter of Credit and rescheduling the claims hearing for August 27, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Commissioner Landis returned to the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2842 In the Matter of BEEGS, Inc. dba Julian Ag Service,
Julian: John Fecht updated the Commission on the current
status.

TRANSPORTATION DEPARTMENT

John Schmidt discussed the following items:

- Shana Knutson's appearance before the Omaha City Council regarding a requested ordinance amendment.
- Fairbury Taxi supreme court appeal. The PSC decision was affirmed.

Andy Pollock and Commissioner Rod Johnson reported NENE derailment and Randy Mohr and Commissioner Rod Johnson's inspection.

B-1395 In the Matter of Karibu Enterprises, Inc., dba RT Round Trip Transport, Omaha, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1395 until June 30, 2003: Upon agreement of all Commissioners, the application was granted and Certificate B-1395 suspended.

B-1459 In the Matter of Ed Sheen, dba Red River Limo Service, Minden: Upon agreement of all Commissioners, the Order to Show Cause was sustained and intrastate registration revoked.

B-1587 In the Matter of Empire Holdings LLC, Omaha, seeking to acquire, through transfer, the authority granted to Embassy Limousine, Inc., Omaha, in Certificate B-1392: A hearing was set for a date later to be determined.

M-14174 In the Matter of Mack Moving & Storage, LLC, dba Mack Moving and Storage, Holdrege, seeking approval of the acquisition of the operating rights and authority granted to Mack Moving and Storage in Certificate M-14129 and to merge with the authority granted to Kearney Moving Service in Certificate M-14127: Upon agreement of all Commissioners, the application was granted and the authorities in M-14129 and M-14127 were revoked.

M-14175 In the Matter of Mid-America Relocation, Inc., Omaha, seeking to acquire, through transfer, the authority granted to Gordon Moving and Storage Co., Omaha, in Certificate M-12197: Upon agreement of all Commissioners, temporary authority was granted.

TR-128 In the Matter of Servant Cab Company, dba Yellow Cab Company and Capital Cab Company, Lincoln, seeking authority to increase its taxi rates in Lincoln and vicinity: Upon agreement of all Commissioners present, the application was granted.

TRANSPORTATION DEPARTMENT (Cont.)

Commissioners Lowell Johnson and Landis left the Commission Hearing Room.

Railroad Division

Upon agreement of all Commissioners, authorization was granted for Randy Mohr to attend the annual BNSF settlement conference to be held in Fort Worth, Texas, from July 9-11, 2002, with all expenses to be paid by the PSC.

Upon agreement of all Commissioners, authorization was granted for Tim Sandusky to attend the Association of State Rail Safety Program Managers annual meeting to be held from August 6 to 8, 2002, in Annapolis, Maryland, with all expenses to be paid by the PSC.

Rate Division

MR-1000 In the Matter of Movers and Warehouse Division, Nebraska
MR-1001 Trucking Association, Lincoln, seeking authority to amend
Official Intracity Household Goods Tariff 22 for MR-1000
and MR-1001: A hearing was set for August 7, 2002, at 10:00 a.m.
in the Commission Hearing Room, Lincoln.

BR-278 In the Matter of Charles A. Ward, dba Panda Transportation,
Valentine, seeking authority to establish van rates for its
use: Upon agreement of all Commissioners present, the application was
granted on an emergency basis.

BR-279 In the Matter of Quality Transportation Service, Inc.,
Lincoln, seeking authority to establish bus rates: Upon
agreement of all Commissioners present, the application was granted on
an emergency basis.

LR-229 In the Matter of Embassy Limousines, Inc., Omaha, seeking
authority to amend its limousine rates by increasing its
existing rates: Upon agreement of all Commissioners present, the
application was granted.

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 increased to 8 cents per mile and the
taxi surcharge was retained at 15 cents per trip.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners present, the following
invoices were approved:

GENERAL ADMINISTRATION (Cont.)

DAS - Communications	\$ 2,909.03
DAS - Materiel Division - Postage	524.23
DAS - Materiel Division - Advertising	308.94
DAS - Risk Management	6,868.32
DAS - Risk Management	2,520.00
DAS - Transportation Services Bureau	250.00
DAS - Transportation Services Bureau	570.09
Anderson Ford	15,379.00
4-F Transportation	53,654.66
Executive Travel	782.00
Larry Fauss	625.00
Hamilton Relay, Inc.	88,132.32
NARUC	7,835.00
NARUC	900.00
Nebraska U.C. Fund	1,740.00
Performance Dodge, Inc.	18,546.00
QSI Consulting Inc.	342.25
Southern Power District	416.74
Anne Boyle	1,566.38
Robert Bowman	1,164.37
Ted Burkey	395.00
Maurice Gene Hand	778.69
Lowell Johnson	574.69
Shanicee Knutson	710.60
Fred Massing	891.10
Kent Pribyl	700.92
Gerald Vap	29.20

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Associated Hearing Health Care	187.00
Carl A. Johnson	1,136.90
K-D Communications	594.60
McCook Pharmacy & Medical Supply	363.90

The meeting adjourned at 3:35 p.m. with Commissioners Boyle, Rod Johnson and Vap present and Commissioners Lowell Johnson and Landis excused. The next regularly scheduled meeting will be held on July 16, 2002, at 1:00 p.m. with an agenda to be available in the office of the Executive Director at 1:00 p.m. on July 15, 2002.

Chair

Executive Director