

Chair Boyle called the regularly scheduled meeting to order at 1:06 p.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published September 3, 2002, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 11, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Gene Hand discussed the responses from the Qwest states to ROC questions regarding Qwest post-entry administration.

Gene Hand informed the Commissioners that a publication from the 2002 NARUC summer meetings in Portland, Oregon, entitled "Promoting Broadband Access Through Public Rights-of-Way and Public Lands" has been received at the Commission.

AD-291 In the Matter of Option One Mortgage Corporation, Irvine, California, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners present, the application was granted.

FC-1299 In the Matter of Marcia Dammann, Saint Libory, vs. Qwest Corporation, alleging unfair billing: Upon agreement of all Commissioners present, an order was entered offering revised options for construction of telephone service to the Dammann residence in St. Libory.

C-1128 PO #3 In the Matter of the Commission, on its own motion, seeking guidelines for mediation, arbitration and review of negotiated agreements under the Telecommunications Act of 1996: Upon agreement of all Commissioners present, an order was entered seeking comments on proposed amendments to the Commission's Mediation and Arbitration Policy.

C-2483/
PI-43 In the Matter of the Commission, on its own motion, seeking to re-examine its retail quality of service standards for all local exchange carriers operating within the state of Nebraska: A meeting to discuss service quality was scheduled for October 1, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

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: The staff was directed to draft an order to open a docket for the purpose of reviewing Qwest's Zones for UNE Loops.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2695 In the Matter of Access Point, Inc., Cary, North Carolina, seeking authority to operate as a resale carrier of intra-state interLATA and intraLATA telecommunication services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2772 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System (TRS) to be effective January 1, 2003: Upon agreement of all Commissioners present, an Order setting the TRS surcharge at seven cents effective January 1, 2003, was entered.

C-2780 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado: Gene Hand discussed Qwest Corporation's Response to Level 3 Communications, LLC's Petition for Arbitration filed September 9, 2002: Chris Post informed the Commission that parties had notified him that the selection of an arbitrator was imminent.

C-2778 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, and Tracy Corporation II, Gering, Nebraska, seeking approval of a master interconnection and resale agreement: Upon agreement of all Commissioners present, the agreement was approved.

C-2781 In the Matter of Qwest Corporation and TCG-Omaha, both of Denver, Colorado, seeking approval of a local switching and UNE-C amendment to their interconnection agreement previously approved in Application C-1379: Upon agreement of all Commissioners present, the amendment was approved.

C-2782 In the Matter of Qwest Corporation, Denver, Colorado, and Sprint Communications, LP, Overland Park, Kansas, seeking approval of an unbundled loop, loop mux combination, special request process, SPOP and bona fide request process amendment to their interconnection agreement previously approved in Application C-2328: Upon agreement of all Commissioners present, the Agreement was approved.

Engineering Division

E-1961 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Gage and Lancaster Counties: Upon agreement of all Commissioners present, the application was granted.

Commissioner Landis inquired about retail quality of service. Gene Hand and the Commissioners discussed the issue.

COMMUNICATIONS DEPARTMENT (Cont.)

Commissioner Boyle inquired as to the statuses of Qwest's 271 application. Chris Post and the Commissioners discussed the issue.

GAS PIPELINES

Commissioner Landis inquired as to the status of the MUD appeal. Laura Davenport reported.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Nebraska Administrative Code, Chapter #155 5, Telecommunications Rules and Regulations, by adding new sections in accordance with the provisions of LB 1211 and to clarify and harmonize existing sections: A hearing was set for October 28, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

FEDERAL REPORT

Congress

Rural Office at FCC: Tom Harkin has indicated that he might not introduce legislation this session to create an FCC Office of Rural Communications Policy. He has not made a final decision yet. Under the proposal that Sen. Harkin is considering, the office would assist the FCC in making certain that "petitions, complaints, and communications" from rural parts of the country received proper attention from the Commission. The office would also have the authority to propose rulemakings and other policies to the FCC.

FCC Nomination: Senate Majority Leader Thomas Dachle has stated that he plans to move for a cloture vote to bring the FCC nomination of Jonathan Adelstein to the Senate floor within days.

FCC - Western Wireless: The FCC's Wireless Telecommunications Bureau is seeking comments on a petition for reconsideration and clarification of a recent Commission order regarding Western Wireless Corp.'s basic universal service offering in Kansas. The State Independent Alliance and the Independent telecommunications Group filed the petition Sept. 3 challenging an FCC memorandum opinion and order, which held that Western Wireless's basic universal service offering in Kansas was a commercial mobile radio service (CMRS). In the order, the Commission concluded that Kansas could not regulate basic universal service entry or rates and could not require equal access for telephone toll services. It also concluded that Western Wireless was not subject to federal regulation as a local exchange carrier with respect to its basic universal service offering. The Commission instructed Laura Davenport to prepare comments.

LEGISLATIVE REPORT

Andy Pollock reported on progress of putting together the legislative recommendations for the upcoming session.

Chair Boyle declared a recess at 1:45 p.m. for 5 minutes. The Commission reconvened at 1:50 p.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused.

GRAIN WAREHOUSE DEPARTMENT

GW-2138 In the Matter of Atlanta Elevator, Inc. dba Atlanta Elevator, Atlanta: Upon agreement of all Commissioners present, an Order was entered determining claims.
GWC 368

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich reported on an issue regarding smoke detectors and label fees for manufactured homes.

TRANSPORTATION DEPARTMENT

B-1571 In the Matter of Maplewood Counseling Associates, Inc., dba Maplewood Behavioral Health, Ralston, seeking authority as a contract carrier for the transportation of behaviorally challenged individuals who are under psychological care, physical care, or both or who are diagnosed with mental illness under continuing contracts with the Department of Health and Human Services, Value Options, and Partners Network between points in Nebraska over irregular routes. RESTRICTION: Transportation will be restricted to the extent that the escort driver who provide transportation services are certified as Family Support Workers after receiving the required training as outlined by the Nebraska Department of Health and Human Services or are certified as Community Treatment Aides as defined NMAP SERVICES 471 NAC 32-002.10G COMMUNITY TREATMENT AIDE SERVICES, LEVELS I and II. The video hearing previously set for September 13, 2002, was continued to October 18, 2002, at 10:00 a.m. in the Commission Library, Lincoln; Von Riesen Library, Room 6, 1205 East 3rd Street, McCook; and the Public Library, 2nd Floor, 517 West 4th Street, Hastings. Commissioner Landis will preside as the Hearing Officer.

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 increased to 14 cents per mile and the taxi surcharge was retained at 15 cents per trip.

GENERAL ADMINISTRATION

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

DAS - Materiel - Office Supplies	\$ 423.35
Rod Johnson	1,203.67

Upon agreement of all Commissioners present, authorization was granted for Cheryl Elton to attend the Consumer Services Training Program to be held in Indianapolis, Indiana, from October 27-29, 2002.

Upon agreement of all Commissioners present, authorization was granted for Kent Pribyl to travel to Smith Center, Kansas, on September 19, 2002, to perform a recreational vehicle factory inspection of Peterson Industries, Inc., with all expenses, including time, to be reimbursed to the Commission.

Upon agreement of all Commissioners, authorization was granted for Robert Bowman to travel to Gillette, Wyoming, from September 30 to October 2, 2002, to perform a manufactured home complaint inspection with all expenses, including time, to be reimbursed to the Commission by Champion Homes, York.

Andy Pollock reported on resolution being prepared regarding reimbursement of mileage to inspector employees who use their personal vehicles for state use.

John Burvainis reported on budget expense figures for the past five years.

Attention was called to the following proceedings:

Friday, September 20, 2002:

B-1581 Commission Hearing Room, Lincoln.
9:00 Servant Cab Company LLC, dba Yellow Cab Company & Capital Cab Company, Lincoln, seeking an interpretation of their current authority. Commissioner Landis chairing.

Commissioner Rod Johnson entered the Commission Hearing Room.

Commissioner Vap moved that the Commission go into closed session to discuss personnel issues and Commissioner Lowell Johnson seconded the motion. The Commission went into closed session at 2:20 p.m.

Commissioner Vap moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion. The Commission returned to open session at 2:59 p.m.

The meeting adjourned at 3:00 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on September 24, 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 September 23, 2002.

Chair

Executive Director