

Chair Boyle called the regularly scheduled meeting to order at 1:04 p.m. with Commissioners Boyle, Rod Johnson, and Landis present and Commissioners Lowell Johnson and Vap excused.

GENERAL ADMINISTRATION

Notice was duly published October 1, 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 October 8, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Cheryl Elton provided a report on the quantity and type of complaints received by the Communications Department during the month.

AD-292r In the Matter of Norris Public Power District, Beatrice, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners present, the application was granted.

FC-1306 In the Matter of Mid America Pay phones, Omaha, vs. ALLTEL, Lincoln, alleging unsatisfactory business practices: John Burvainis informed the Commission that this complaint was received October 3, 2002, and that ALLTEL was notified of an October 22, 2002, answer date.

C-2750 In the Matter of Qwest Corporation, Denver, Colorado, Amended seeking approval of its revised statement of generally available terms (SGAT) pursuant to Section 252(f) of the 1996 Telecommunications Act (Amended application with revised Exhibit A was filed by Qwest.): Chris Post discussed Qwest's request for Commission approval of a new PID PO 20. A hearing was scheduled for October 28, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln, to consider adoption.

C-2589 In the Matter of Citizens Telecommunications of Nebraska, Mound, Minnesota, seeking approval by the Commission of a wholesale service quality performance plan, submitted in response to the Commission Order issued in Application C-2248/PI-37: Upon agreement of all Commissioners present, the application was granted.

C-2590 In the Matter of ALLTEL Nebraska, Inc., Lincoln, seeking approval by the Commission of a wholesale service quality performance plan, submitted in response to the Commission Order issued in Application C-2248/PI-37: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2800 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking to amend and expand its certificate of authority granted in Application C-1876 to extend local exchange services statewide: Upon agreement of all Commissioners present, the application was granted.

C-2801 In the Matter of Andrea Keller, Gregory, South Dakota, currently receiving service from the Gregory exchange of the Golden West Telephone Company, seeking authority to receive telephone service from the Springview exchange of Three Rivers Telco Telephone Company: Upon agreement of all Commissioners present, the application was granted.

C-2803 In the Matter of PT-1 Counsel Inc., New York, New York, seeking approval to change the name of its operating authority to WorldxChange Corp.: Upon agreement of all Commissioners present, the application was granted.

C-2805 In the Matter of Logix Communications Corporation, Oklahoma City, Oklahoma, seeking authority to withdraw the certificate of authority granted in Application C-1979 and associated tariff: Upon agreement of all Commissioners present, the application was granted.

C-2479/ In the Matter of Teleglobe Business Solutions, Reston,
C-2198/ Virginia, seeking authority to change its name to
C-1941/ eMeritus Communications, Inc.: John Burvainis informed the
C-1532/ Commission that notification was received from the United
C-1360/ Bankruptcy Court for the District of Delaware of the
C-1154 following items: (I) Transaction Notice filed with the
Canadian Court seeking approval of the sale of Teleglobe
Companies' core business to a successful bidder; (II) decision concerning the need for an auction; (III) selection of a successful bidder; and (IV) sale hearing.

Laura Davenport reminded the Commission of the upcoming Nebraska Internet Enhancement Fund Advisory Board meeting which will be held by video on October 15, 2002, at 1:30 p.m. in the Commission Library, Lincoln; Public Library and Information Center, 2020 First Avenue, Kearney; Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff; and Western Nebraska Community College, Room 122, 371 College Drive, Sidney.

C-2798 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the wireline interconnection agreement, previously approved in Application C-2165 with New Edge Networks, Vancouver, Washington: Upon agreement of all Commissioners present, the amendment was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2799 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an SGAT wireline interconnection agreement with New Edge Networks, Vancouver, Washington: Upon agreement of all Commissioners present, the agreement was approved.

C-2802 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of the adoption of a wireline interconnection agreement approved in Application C-2328 for the state of Nebraska, with VP Telecom, Sioux Falls, South Dakota: Upon agreement of all Commissioners present, the agreement was approved.

C-2811/
PI-64 In the Matter of Nebraska Technology & Telecommunications, Inc., Lincoln, requesting an investigation and remedy of Qwest Corporation's rezoning of certain Nebraska exchanges from Zone 2 to Zone 3: The hearing previously set for October 8, 2002, was continued to October 16, 2002, at 3:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

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 Commission (FCC) and request for the Commission to verify US West's compliance with Section 271(c): Upon agreement of all Commissioners present, an order was entered denying AT&T's motion to reopen the 271 proceeding.

UNIVERSAL SERVICE FUND DEPARTMENT

C-1628/
NUSF In the Matter of the Commission, on its own motion, seeking to conduct an investigation into intrastate access charge reform and intrastate universal service fund: Upon agreement of all Commissioners present, an order was entered seeking comments on cost and support determination. Comments are due on October 30, 2002.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Upon agreement of all Commissioners present, the hearing previously scheduled for November 5, 2002, was continued to November 6, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

WIRELESS E-911 DEPARTMENT

911-003/
PI-65 In the Matter of the Commission, on its own motion, seeking to determine whether it should obtain metrics data reports to monitor performance of wireless enhanced 911 service: Upon agreement of all Commissioners present, an order was entered to open the docket.

WIRELESS E-911 DEPARTMENT (Cont.)

PSAP-001.2 In the Matter of Sarpy County PSAP, Papillion, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-002.1 In the Matter of Douglas County PSAP, Omaha, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-005.2 In the Matter of Hall County PSAP, Grand Island, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-007.1 In the Matter of Cedar County PSAP, Hartington, seeking to adjust approved wireless enhanced 911 costs: Upon agreement of all Commissioners present, the application was granted.

PSAP-017 In the Matter of Dawson County PSAP, Lexington, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed action on a draft letter concerning federal preemption over state law related to grain dealers and merchandising activity.

GW-2138 In the Matter of Atlanta Elevator, Atlanta, concerning the payment and related bonding company releases: Upon agreement of all Commissioners present, authorization was granted for the Executive Director to sign the release.

GW-2008 In the Matter of Richland Grain, Inc., Richland, concerning the payment and related bonding company releases: Upon agreement of all Commissioners present, authorization was granted for the Executive Director to sign the release upon agreement of acceptable language as deemed appropriate by Commission legal staff and the Nebraska Attorney General.

TRANSPORTATION DEPARTMENT

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 16 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 - Transportation Services Bureau	\$ 961.01
Atlantic Homes	3,920.00
Atlantic Homes	2,415.00
Commercial Computer Systems	340.00
Gerald Vap	686.24

Attention was called to the following proceedings:

Wednesday, October 9, 2002:

9:30 Commission Hearing Room, Lincoln.
Workshops addressing telecommunications issues which will focus on loop technology.

Thursday, October 10, 2002:

FC-1301 Commission Hearing Room, Lincoln.
9:00 Christian Car Care, d/b/a Jeff and Maria Bledsoe, Omaha, Complainant, vs. McLeod USA, Cedar Rapids, Iowa, Defendant, alleging unsatisfactory business practices. Commissioner Boyle chairing.

B-1587 Commission Hearing Room, Lincoln.
10:00 Empire Holdings, L.L.C., Omaha, seeking to acquire, through transfer, the authority as a common carrier in Nebraska intrastate commerce granted to Embassy Limousine, Inc., Omaha, in Certificate B-1392. Commissioner Landis chairing.

B-1590 Commission Hearing Room, Lincoln.
1:30 Alford Oil Company, dba Embassy Limo, Omaha, seeking to acquire, through transfer, the authority as a common carrier granted to Embassy Limousine, Inc. in Certificate B-1392. Commissioner Landis chairing.

Upon agreement of all Commissioners present, authorization was granted for Mark Luttich to attend the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) meeting to be held in Louisville, Kentucky, from October 21-23, 2002.

Commissioner Landis moved that the Commission go into closed session to discuss personnel issues and Commissioner Rod Johnson seconded the motion. The Commission went into closed session at 2:09 p.m.

Commissioner Rod Johnson moved that the Commission return to open session and Commissioner Landis seconded the motion. The Commission returned to open session at 2:30 p.m.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, the resignation of Randy Mohr was accepted effective November 4, 2002, and authorization was granted to replace the position of Motive Power and Equipment Inspector.

Upon agreement of all Commissioners present, authorization was granted to hire a law clerk.

Upon agreement of all Commissioners present, the budget for FY 2003-05 was approved with modifications.

The meeting adjourned at 2:37 p.m. with Commissioners Boyle, Rod Johnson and Landis present and Commissioners Lowell Johnson and Vap excused. The next regularly scheduled meeting will be held on October 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 October 15, 2002.

Chair

Executive Director