

Chair Boyle called the regularly scheduled meeting to order at 1:10 p.m. with Commissioners Boyle, Rod Johnson, Landis and Vap present and Commissioner Lowell Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published October 8, 2002, on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held October 16, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

FC-1303 In the Matter of Margaret Jacobsen, Papillion, vs. McLeod-USA, Sioux Falls, South Dakota, alleging excessive fees: Gene Hand informed the Commission that McLeodUSA's answer was received on October 11, 2002. A hearing was set for a date later to be determined.

FC-1307 In the Matter of Airwave Wireless Communications, Inc., Scottsbluff, vs. Qwest Communications, Inc., Omaha, alleging unsatisfactory retail and wholesale services in western Nebraska: Gene Hand discussed the complaint received October 9, 2002, and Qwest was notified of the October 25, 2002, answer date.

C-2248/  
PI-37 In the Matter of the Commission, on its own motion, seeking comment on the establishment, implementation and monitoring of service quality standards in the provisioning of wholesale services by incumbent local exchange carriers to their wholesale customers: Upon agreement of all Commissioners present, an order was entered to close the docket.

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: Upon agreement of all Commissioners present, an order was entered releasing ALLTEL from future monthly reporting requirements.

C-2744/  
DC-61 In the Matter of the Commission, on its own motion, seeking an order to cease and desist operations and to revoke the Certificates of Public Convenience and Necessity issued to the named defendants: Upon agreement of all Commissioners present, the complaint was dismissed in part and sustained in part.

C-2716 In the Matter of the petition received 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 updated the Commission on recent correspondence and proposed rates. An informational meeting, pursuant to Rule 002.27C5, was scheduled for November 20, 2002, at 7:00 p.m. in the Community Building, 405 Nelson Street, Bertrand.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2738/ PI-58 In the Matter of the Commission, on its own motion, seeking to investigate telecommunications companies' terms, conditions and rates for the provision of wireless termination service: Hearing Officer Landis approved an extension of the post-hearing brief deadline until October 18, 2002.

C-2796 In the Matter of WorldCom, Inc. and Intermedia Communications, Inc., Tampa, Florida, seeking a waiver of Section 4.03 of Chapter 5 of the Commission's Telecommunications Rules and Regulations to transfer from WorldCom certain multi-service customers of Intermedia to affiliate MCI WorldCom Communications, Inc.: Upon agreement of all Commissioners present, the application was granted.

C-2811/ PI-64 In the Matter of Nebraska Technology & Telecommunications, Inc. (NT&T), Lincoln, requesting an investigation and remedy of Qwest Corporation's rezoning of certain Nebraska exchanges from Zone 2 to Zone 3: Upon agreement of all Commissioners present, an order was entered granting NT&T's Motion for Continuance of the hearing previously scheduled for October 16, 2002. The hearing was rescheduled for a date later to be determined.

C-1883 In the Matter of CTC Communications Corp., Waltham, Massachusetts, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: Gene Hand discussed an announcement received from the company informing the Commission of a voluntary petition for Chapter 11 protection filed in the Delaware District Court.

Gene Hand discussed a joint announcement from Ambient Corporation and Consolidated Edison, Inc. of Con Edison's investment in Ambient Corporation's Power Line Communications Technology.

Gene Hand discussed an on-line survey addressing Nebraskans discontinuing land-based phone service and replacing it with wireless service.

Laura Davenport provided an update on the progress the NIEF Advisory Board has made toward implementing the Nebraska Internet Enhancement Fund program (NIEF).

Engineering Division

E-1965 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Keith County: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

E-1967        In the Matter of Lincoln Electric System, Lincoln, seeking  
E-1968        authority to construct transmission lines in Lancaster  
              County: Upon agreement of all Commissioners present, the  
applications were granted.

UNIVERSAL SERVICE FUND DEPARTMENT

NUSF-26       In the Matter of the Commission, on its own motion, seeking  
              to establish a long-term universal service funding mechan-  
ism: Jeff Pursley distributed a Service Area Data Request for discus-  
sion. The Data Request was approved to be distributed to all ILECs.

NUSF-30       In the Matter of the Commission, on its own motion, seeking  
              to determine what is "reasonably comparable" with respect  
to rates charged for urban and rural consumers: Upon agreement of all  
Commissioners present, an order initiating the docket was entered.  
Comments will be due on or before November 20, 2002. A hearing was  
scheduled for December 10, 2002 at 10:00 a.m. in the Commission Hear-  
ing Room, Lincoln. Commissioner Vap will preside as the Hearing  
Officer.

FEDERAL REPORT

              Laura Davenport reported that Representative Lee Terry  
introduced a bill to create a rural office of the Federal Communica-  
tions Commission.

LEGISLATION

              Commissioner Boyle discussed scheduling NUSF workshops.

GRAIN WAREHOUSE DEPARTMENT

GW-2115       In the Matter of Farmers Elevator Company, a Cooperative,  
              Chappell, regarding the shortage of corn and millet: Licen-  
see adjusted the shortage from company owned.

GW-3           In the Matter of Grain Dealers Mutual Insurance Company  
              seeking cancellation of its Continuous Public Grain  
Warehouse Bond No. 13-4-523 in the amount of \$389,600.00, issued on  
behalf of K. W. Carter Company dba J. W. Grain Co., St. Edward:  
Application was granted effective October 6, 2002.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-1871 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-684 in the amount of \$176,000.00, issued on behalf of Hergert Grain, Inc., Scottsbluff: Application was granted effective October 4, 2002.

GW-2138 In the Matter of National Fire Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 929 09 46 72 in the amount of \$433,700.00, issued on behalf of Atlanta Elevator, Inc. dba Atlanta Elevator, Atlanta and Funk: Application was granted effective October 4, 2002.

Grain Dealer Division

GD-2850 In the Matter of James D. Larson dba Agro Distributing, Funk: Upon agreement of all Commissioners present, an order was entered granting the application for a Grain Dealer license, with the license to expire on June 30, 2002, and security in the amount of \$35,000.

GD-2658 In the Matter of Union Insurance Company seeking cancellation of its Continuous Public Grain Dealer Bond No. 210 44 32 in the amount of \$53,000.00, issued to Beethe Bros., Inc., Pawnee City: Application was granted effective October 7, 2002.

TRANSPORTATION DEPARTMENT

B-1577 In the Matter of Laidback Limousine, Inc., Omaha, seeking Supp. 1 to acquire, through transfer, the authority granted to Royal Limousine, Inc., Elkhorn, in Certificate B-1542: Upon agreement of all Commissioners present, the application was granted and Certificate B-1542 revoked.

B-1584 In the Matter of Robert Bass, dba Upper Nile Staff, Omaha, seeking to acquire, through transfer, the authority granted to Upper Nile Staff, Inc., Omaha, in Permit B-1550: Upon agreement of all Commissioners present, the application was granted and Permit No. B-1550 revoked.

B-1606 In the Matter of National Arbor Day Foundation, Lincoln, seeking to acquire, through transfer, the authority granted to AMFAC Recreational Services, Inc., dba Lied Conference Center, in Permit B-1502: Upon agreement of all Commissioners present, temporary authority was granted.

TRANSPORTATION DEPARTMENT (Cont.)

B-1215 In the Matter of Happy Cab Co., Omaha, and DonMark, Inc.,  
B-1410 dba Cornhusker Cab Co., Papillion: Laura Davenport in-  
formed the Commission that a letter had been received from  
Patrick Sullivan concerning an argument between Happy Cab and Corn-  
husker Cab whereby Happy Cab would provide certain services consisting  
of day-to-day operations of Cornhusker Cab. The letter also stated  
Cornhusker Cab will maintain its separate ownership and authority.

B-1587 In the Matter of Empire Holdings, LLC, Omaha, seeking to  
acquire, through transfer, the authority granted to Embassy  
Limousine, Inc. in Certificate B-1392: Laura Davenport updated the  
Commission on the status of this filing.

B-1590 In the Matter of Alford Oil Company, dba Embassy Limo,  
Omaha, seeking to acquire, through transfer, the authority  
granted to Embassy Limousine, Inc., Omaha, in Certificate B-1392:  
Laura Davenport updated the Commission on the status of this filing.

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 16 cents per mile, and the  
taxi surcharge was retained at 15 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Materiel Division - Office Supplies	\$ 591.17
Robert Bowman	638.95
Maurice Gene Hand	636.75
Fred Massing	1,116.95
Chris Post	998.74
Kent Pribyl	748.97
Jeffrey Pursley	352.75
Ted Burkey	2,027.50
Civic Center Microtel Inn & Suites	880.00
The Daily Record	383.70
Four Seasons Travel Agency	285.00

Attention was called to the following proceedings:

Wednesday, October 16, 2002:

PI-60 Commission Hearing Room, Lincoln. Workshop. The Commis-  
9:30 sion, on its own motion, seeking to conduct an investiga-  
tion into exemptions from grain dealer licensure, protec-  
tion for producers against loss, grain dealer bond limits  
and related issues. Commissioner Vap chairing.

GENERAL ADMINISTRATION (Cont.)

Friday, October 18, 2002:

B-1571 Commission Library, Lincoln; Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam, Omaha; Von Riesen 10:00 Library, Room 6, Basement level, 1205 East 3<sup>rd</sup> Street, McCook; and Hastings Public Library, 2<sup>nd</sup> Floor, 517 West 4<sup>th</sup> Street, Hastings. 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 drivers 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 in NMAP SERVICES 471 NAC 32-002.10g Community Treatment Aide Services, Levels I and II. Commissioner Boyle chairing.

Tuesday, October 22, 2002 and Wednesday, October 23, 2002:

FC-1296/ Commission Hearing Room, Lincoln.  
FC-1297 Cox Nebraska Telcom, L.L.C., Omaha, and Illuminet, Olympia, 9:30 Washington, vs. Qwest Communications, Inc., Omaha, alleging violations of state law and policy, as well as tariff obligations and 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. Commissioner Landis chairing.

Thursday, October 24, 2002:

GWC-368 Commission Library, Lincoln; Kearney Public Library, 2020  
GW-2138 1<sup>st</sup> Avenue, Kearney. Determination of claims against  
1:30 Atlanta Elevator, Inc., d/b/a Atlanta Elevator, Atlanta and Funk. Commissioner Vap chairing.

Monday, October 28, 2002:

C-2750 Commission Hearing Room, Lincoln  
1:30 Qwest Corporation, Denver, Colorado, seeking approval of an amended application for revised Exhibit A of Qwest Corporation's revised statement of generally available terms (SGAT) pursuant to Section 252(f) of the 1996 Telecommunications Act. A call-in 402-472-6296. Commissioner Landis chairing.

GENERAL ADMINISTRATION (Cont.)

Wednesday, October 30, 2002:

GWC-368 Video Hearing. Commission Library, Lincoln, and Kearney  
GW-2138 Public Library, 2020 1<sup>st</sup> Avenue, Kearney. Determination of  
1:30 claims against Atlanta Elevator, Inc., d/b/a Atlanta Elevator, Atlanta and Funk. Commissioner Vap chairing.

Commissioner Landis moved that the Commission go into closed session to discuss personnel issues and Commissioner Vap seconded the motion. The Commission went into closed session at 2:15 p.m.

Commissioner Vap 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.

Upon agreement of all Commissioners present, authorization was granted to hire Pamela Karstensen as the Assistant Consumer Advocate.

Upon agreement of all Commissioners present, authorization was granted to hire Denise Feese as temporary receptionist while the permanent receptionist is on vacation.

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The meeting adjourned at 3:32 p.m. with Commissioners Boyle, Rod Johnson, Landis and Vap present and Commissioner Lowell Johnson excused. The next regularly scheduled meeting will be held on October 29, 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 28, 2002.

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Chair

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Executive Director