

Chair Boyle called the regularly scheduled meeting to order at 1:08 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Vap present and Commissioner Landis excused.

GENERAL ADMINISTRATION

Notice was duly published November 12, 2002, on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 19, 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: The hearing previously set for December 3, 2002, was rescheduled for December 2, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as the Hearing Officer.

FC-1308 In the Matter of Tracy Corporation II, d/b/a Telemetrix Technologies, Gering, vs. United Telephone of the West, d/b/a Sprint, Overland Park, Kansas, regarding dispute of services offered under an interconnection agreement: Upon agreement of all Commissioners present, the motion of Sprint for an extension of the answer date until December 2, 2002, was granted.

C-2724 In the Matter of Weston Telecommunications, L.L.C., Richfield, Ohio, seeking authority to change its name to Easton Telecom Services, L.L.C.: Upon agreement of all Commissioners present, the application was dismissed.

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 informed the Commission that notification was received that James Sharpe was selected as the arbitrator.

C-2810 In the Matter of the joint application of Voicecom Telecommunications, LLC, Atlanta, Georgia; Voicecom Telecommunications, Inc., Boulder, Colorado; and Premiere Communications, Inc., Atlanta, Georgia; seeking approval of acquisition of assets and for assignment of authorization: Upon agreement of all Commissioners present, the application was granted.

C-2823 In the Matter of Long Distance of Michigan, Inc., d/b/a/LDMI Long Distance, Hamtramck, Michigan, seeking authority to change its name to LDMI Telecommunications, Inc., d/b/a LDMI Long Distance: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand and staff attorneys provided an update on the status of older pending Communications dockets.

Dick Palazzolo provided an update on ending the Regional Oversight Committee's Operational Support Systems Test (ROC OSS) and the progress made to establish a long term post 271 (LT271) collaborative.

Upon agreement of all Commissioners present, a request from Marlon Griffing, Ph.D. to be added to the list of Commission arbitrators was approved.

C-2820 In the Matter of Qwest LD Corp., Denver, Colorado, 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-2822 In the Matter of Buzz Telecom Corporation, Merrillville, Indiana, 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-2826 In the Matter of Qwest Corporation, Denver, Colorado, and MCImetro Access Transmission Services, LLC, Englewood, Colorado, seeking approval of the relative use factor amendment to the interconnection agreement previously approved for the state of Nebraska in Application C-2257: Upon agreement of all Commissioners present, the amendment was approved.

C-2827 In the Matter of Qwest Corporation, Denver, Colorado, and ICG Telecom Group, Inc., Englewood, Colorado, seeking approval of an amendment to the wireline interconnection agreement previously approved for the state of Nebraska in Application C-2735: Upon agreement of all Commissioners present, the amendment was approved.

C-2828 In the Matter of Qwest Corporation, Denver, Colorado, and Guaranteed Phone Service, Council Bluffs, Iowa, seeking approval of a resale agreement for the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

Engineering Division

E-1964 In the Matter of Nebraska Public Power District, Columbus,
E-1969 seeking authority to construct, operate and maintain electric transmission lines in Garden and Cass Counties: Upon agreement of all Commissioners present, the applications were granted.

COMMUNICATIONS DEPARTMENT (Cont.)

E-1970 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Upon agreement of all Commissioners present, the application was granted.

UNIVERSAL SERVICE FUND

NUSF-1 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the administration of the Nebraska Universal Service Fund: Jeff Pursley discussed MCI WorldCom and the re-tabulation of the company's consolidated financial statements as a result of their bankruptcy. Jeff Pursley discussed how the sale of Eustis and Home Telephone Companies impacted their ability to comply with the filing of an annual audit.

NUSF-16.1 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to correctly comply with Commission requests for information: Jeff Pursley informed the Commission that this docket was used in error for his intended purpose and that a new docket would be opened.

NUSF-32 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Orders and, at its own discretion, impose administrative fines against the named defendants: Upon agreement of all Commissioners present, a Show Cause Order was entered and a hearing set for December 17, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

NUSF-34.1 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of GCC License LLC, dba Western Wireless/WWC License LLC, to accurately report information as set forth in Commission rules and regulations and Commission orders: Upon agreement of all Commissioners present, a hearing was scheduled for December 9, 2002 at 11:00 a.m. in the Commission Hearing Room, Lincoln.

WIRELESS E-911 DEPARTMENT

PSAP-012.1 In the Matter of Washington County PSAP, Blair, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-018 In the Matter of Cheyenne County PSAP, Sidney, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

WIRELESS E-911 DEPARTMENT (Cont.)

PSAP-020 In the Matter of Furnas County PSAP, Beaver City, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

RULES AND REGULATIONS

Rule and Regulation #148 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, Section 001, Definitions, and to harmonize existing rules: Shana Knutson informed the Commission that the Supreme Court mandate had been issued on the interim policy order which was appealed by A-1. Show Cause orders were prepared for a vote on the transportation agenda.

LEGISLATION

Andy Pollock reported on the following items:

- Legislation sent to bill drafters.
- NUSF briefings
- Filing Fees

Commissioner Lowell Johnson left the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

GW-17 Wheat at Farmers Cooperative Association, Eustis

GW-340 Soybeans at Union Grain Company, St. Libory

GW-1104 Wheat at Farmers Union Co-operative Company, Blue Springs

GW-1136 Oats at Central Farmers Cooperative, Nonstock, Elgin

GW-2155 Corn at Bauman Livestock Feed & Supply, Inc., Martell

GW-1104 In the Matter of Farmers Union Co-operative Company, Blue Springs and Wymore, seeking cancellation of its Public Grain Warehouse License: Application was granted effective November 1, 2002.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-1807 In the Matter of Kowalski Feeder Supply and Hatchery, Inc., Loup City, seeking cancellation of its Public Grain Warehouse License: Application was granted effective November 1, 2002.

GW-2138 In the Matter of Atlanta Elevator, Inc. dba Atlanta Elevator, Atlanta: Upon agreement of all Commissioners present, an order denying the Motions for Rehearing was entered.

Grain Dealer Division

GD-2775 In the Matter of the guaranty agreement filed for Red River Commodities, Inc., Fargo, North Dakota: Chris Post was directed to review the guarantee agreement and Commission rules and bring the matter back to the Commission for a decision.

GD-2804 In the Matter of St. Paul Fire & Marine Insurance Company seeking cancellation of its Continuous Grain Dealer Bond No. 400JZ9849 in the amount of \$62,000.00, issued on behalf of Rainbow Popcorn Co., Inc., Ogallala: Application was granted effective November 10, 2002.

TRANSPORTATION DEPARTMENT

B-1301 In the Matter of Terry E. Jones, dba T.J.'s Limousine Service, Brownville: Upon agreement of all Commissioners present, the Order to Show Cause was sustained and intrastate registration revoked.

B-1470 In the Matter of A-1 Ambassador Limousine, Inc., dba Haymarket Limousine, Lincoln: Upon agreement of all Commissioners present, an Order to Cease and Desist and Show Cause Order were entered. A hearing was set for December 9, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

B-1529 In the Matter of J.L.R.D., Inc., dba Lincoln Limousine, Lincoln: Upon agreement of all Commissioners present, an Order to Cease and Desist and Show Cause Order were entered. A hearing was set for December 9, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

B-1566 In the Matter of R & J Limo Services, Inc., Cozad, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1566 until May 10, 2003: Upon agreement of all Commissioners present, the application was granted and Certificate B-1566 suspended.

TRANSPORTATION DEPARTMENT (Cont.)

B-1585 In the Matter of Easy Car Rental Co., Inc., dba Budget Car and Truck Rental, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers between Sleep Inn and Eppley Airfield and between Sleep Inn and Old Market over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: An oral argument was set for January 14, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln, with Commissioner Boyle presiding as Hearing Officer.

Rate Division

MR-1004 In the Matter of National Motor Freight Traffic Association, Inc., Alexandria, Virginia, agent for and on behalf of participating carriers, seeking authority to place in effect on Nebraska intrastate traffic the provisions of Supplement 6 to the National Motor Freight Classification, NMF 100-AB: 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 reduced to 12 cents per mile and the taxi surcharge was retained at 20 cents per trip.

GENERAL ADMINISTRATION

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

DAS - Materiel - Office Supplies	\$ 630.03
DAS - Materiel - Postage	516.73
DAS - Materiel - Printing	392.04
IM Services	345.51
Fremont Homes	420.00
The Daily Record	312.70
NARUC	395.00
Lowell Johnson	1,168.85
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM	
Aksarben TDD Service	1,193.75
Associated Hearing	295.63
Audiology Services & Hearing Aid Center	186.90
Grand Island Hearing Aid Center	2,018.45
Hamilton Relay Inc	220.90
Harris Communications	6,884.40
Carl Johnson	2,130.90
Johnson Hearing Aid Service	880.04
LS & S, LLC	282.85
K-D Communications	1,300.15
McCook Pharmacy & Medical Supply	859.65

GENERAL ADMINISTRATION (Cont.)

R & J Enterprises	1,565.48
The Hearing Clinic Inc	665.00
Sherard Hearing Aid Center	1,248.49

Attention was called to the following proceedings:

Wednesday, November 20, 2002:

- B-1597 9:00 Video Hearing. Commission Library, Lincoln; Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam Street, Omaha; and Public Library, Second Floor, 517 West 4th Street, Hastings. Caring Network, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service over irregular routes between points in Douglas, Sarpy, Washington, Cass and Dodge counties by vans. To include transportation of clients of the Nebraska Department of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Boyle chairing.
- C-2716 7:00 PM Community Building, 405 Nelson Street, Bertrand. Informational Meeting. 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. Commissioner Vap chairing.

The meeting adjourned at 3:15 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 November 26, 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 November 25, 2002.

Chair

Executive Director