

Vice Chair Vap called the regularly scheduled meeting to order at 1:05 p.m. with Commissioners Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner Boyle excused for the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published December 10, 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 December 17, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed changes to Grain Warehouse and Grain Dealer statutes. Commissioner Boyle entered the Commission Hearing Room during the discussion.

The following shortages were discussed:

GW-2113 Milo at Aurora Cooperative Elevator Company, Aurora.

GW-2148 Wheat at The Scoular Company, Fremont.

Grain Dealer Division

GD-2149 In the Matter of St. Paul Fire & Marine Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 400 GP 8359 in the amount of \$150,000.00, issued on behalf of Hansen-Mueller Co., Omaha: Application was granted effective December 15, 2002.

GD-2775 In the Matter of Red River Commodities, Inc., Fargo, North Dakota: John Fecht discussed the request of Red River Commodities, Inc. to limit the guarantee agreement to \$1,000,000. Upon agreement of all Commissioners, the request was denied and Red River Commodities, Inc. will be required to furnish an unconditional guarantee agreement or furnish a financial statement from Red River Commodities. No grain dealer license will be issued until one of the two conditions have been met.

GD-2838 In the Matter of St. Paul Fire & Marine Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 400 SH 7601 in the amount of \$150,000.00, issued on behalf of AGRI Grain Marketing, L.L.C., Minneapolis, Minnesota: Application was granted effective December 2, 2002.

COMMUNICATIONS DEPARTMENT

AD-294 In the Matter of Option One Mortgage Corporation, Irvine, California, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners, the application was granted.

FC-1296 In the Matter of Cox Nebraska Telcom, L.L.C., Omaha, and  
FC-1297 Illuminet, Olympia, 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: Upon agreement of all Commissioners, an order was entered granting relief to Cox Nebraska Telcom, LLC; Illuminet, Inc.; Alltel Nebraska, Inc. and ALLTEL Communications of Nebraska, Inc.

FC-1308 In the Matter of Tracy Corporation II, d/b/a Telemetrix Technologies, vs. United Telephone of the West, d/b/a Sprint, regarding dispute of services offered under an interconnection agreement: Upon agreement of all Commissioners, the motion of United Telephone of the West, d/b/a Sprint, for an extension of time until December 23, 2002, to file an answer to the complaint was denied.

C-2627 In the Matter of NTERA, Inc., Miami, Florida, seeking authority to provide resold and facilities-based local exchange and interexchange telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the Commission accepted the stipulation and amount submitted and the company will be required to reapply for certification in Nebraska before providing service.

C-2832 In the Matter of Northeast Nebraska Telephone Company, Jackson, seeking authority to modify the common exchange area boundary between the Laurel exchange, served by Qwest Corporation, and Dixon/Concord exchanges, served by Northeast Nebraska Telephone Company: Upon agreement of all Commissioners, the application was granted.

C-2835 In the Matter of Peetz Cooperative Telephone Company, Peetz, Colorado, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2836 In the Matter of BCGI Communications Corp., Woburn, Massachusetts, seeking to withdraw authority granted in Application C-2189 to provide intrastate interexchange telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-2837 In the Matter of Americatel Corporation, d/b/a 10 123 Americatel and 1010 123 Americatel, Miami, Florida, seeking authority to amend the certificate to add new fictitious names 10-15-688 AMETEX and 1-800 3030 123 Americatel Collect: Upon agreement of all Commissioners, the application was granted.
- C-2838 In the Matter of Qwest Corporation, Denver, Colorado, and Level 3 Communications, Louisville, Colorado, seeking approval of a data exchange amendment to the interconnection agreement previously approved in Application C-2206: Upon agreement of all Commissioners, the application was granted.
- C-2839 In the Matter of Qwest Corporation, Denver, Colorado, and Level 3 Communications, Louisville, Colorado, seeking approval of an Internet service provider (ISP) bound traffic amendment to the interconnection agreement previously approved in Application C-2206: Upon agreement of all Commissioners, the application was granted.
- C-2840 In the Matter of Qwest Corporation, Denver, Colorado, and AT&T, Denver, Colorado, seeking approval of a local switching and unbundled network elements combinations (UNE Combinations) amendment to the interconnection agreement previously approved in Application C-1385: Upon agreement of all Commissioners, the application was granted.
- C-2841 In the Matter of Qwest Corporation, Denver, Colorado, and MCImetro Access Transmission Services, LLC, Denver, Colorado, seeking approval of a performance assurance plan amendment to the interconnection agreement previously approved in Application C-2257: Upon agreement of all Commissioners, the application was granted.
- FC-1302 In the Matter of Airwave Wireless Communications, Inc., Scottsbluff, vs. Qwest Communications, Inc., Omaha, alleging failure to honor an interconnection agreement: The video hearing previously set for December 18, 2002, was continued to January 28, 2003, at 2:00 p.m. CST in the Commission Library, Lincoln, and 1:00 p.m. MST at the Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff. Commissioner Vap will preside as the Hearing Officer.
- 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: A video hearing was set for January 28, 2003, at 3:00 p.m. CST in the Commission Library, Lincoln, and 2:00 p.m. MST at the Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff. Commissioner Vap will preside as the Hearing Officer.

GAS PIPELINES

P-0004 In the Matter of People Natural Gas, Omaha, seeking resolution of a dispute under Neb. Rev. Stat. '57-1306: Laura Davenport reported that Metropolitan Utilities District (MUD) has filed its brief in the pending appeal.

UNIVERSAL SERVICE FUND

C-1628/ In the Matter of the Commission, on its own motion, seeking  
NUSF to conduct an investigation into intrastate access charge  
PO #20 reform and intrastate universal service fund: Upon agreement of all Commissioners, an order was entered adopting the findings and conclusions relating to the amount of support carriers receive.

NUSF-25 In the Matter of the Commission, on its own motion, seeking  
PO #7 to establish guidelines for the purpose of certifying the use of federal universal service support: Upon agreement of all Commissioners, an order was entered approving the late-filled certification from Nebraska Technology and Telecommunications.

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, an order was entered adopting the coordination and development of a telehealth plan.

WIRELESS E-911 DEPARTMENT

PSAP-019 In the Matter of Kearney County PSAP, Minden, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

PSAP-022 In the Matter of Jefferson County PSAP, Fairbury, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

WSP-003.1 In the Matter of Sprint PCS, Overland Park, Kansas, seeking funding approval for enhanced wireless 911 service: Upon agreement of all Commissioners, the application was granted.

WSP-008 In the Matter of AT&T Wireless Service, Inc., Paramus, New Jersey, seeking funding approval for enhanced wireless 911 service: Upon agreement of all Commissioners, the application was granted.

WIRELESS E-911 DEPARTMENT (Cont.)

Upon agreement of all Commissioners, the staff will prepare a letter to Governor Johanns recommending reappointment of Gary McLaughlin, Kevin Hergott and Bob Howard to the Enhanced Wireless 911 Advisory Board.

RULES AND REGULATIONS

Rule and Regulation #146 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, Section 001, Definitions, Section 002, Local Exchange Service, and Section 003, Interexchange Service, and inserting new sections in accordance with the provisions of LB 150 [1999] and to clarify and harmonize existing sections: Shana Knutson informed the Commission that Governor Johanns had approved the rules.

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 the a notice had been received from the Supreme Court informing the Commission that A-1 filed a motion to dismiss the appeal without prejudice.

LEGISLATION

Commissioner Boyle reported on her meeting with Senator Chris Beutler regarding cash funding.

TRANSPORTATION DEPARTMENT

B-1407 In the Matter of Sharon Culp, dba Seward Limousine: Upon agreement of all Commissioners, the Order to Show Cause was sustained and the intrastate registration revoked.

B-1589 In the Matter of Napoleon P. Agonor, dba Ultimate Transit, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers over irregular routes by passenger van between points in Omaha, Bellevue, Papillion, LaVista, Ralston, and Elkhorn, including transportation of clients of the Department of Health and Human Services or their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The video hearing previously set for a date later to be determined was scheduled for February 10, 2003, at 10:00 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2<sup>nd</sup> Floor, 1313 Farnam, Omaha. Commissioner Boyle will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1600 In the Matter of Y Turner's Unlimited, Inc., Omaha, seeking authority as a common carrier in Nebraska's intrastate commerce in the transportation of passengers from McKinley Street southwest to State Street; State Street west to 120<sup>th</sup> Street; 120<sup>th</sup> Street south to Interstate 80; Interstate 80 east to 72<sup>nd</sup> Street; 72<sup>nd</sup> Street south to Harrison Street; Harrison Street east to 16<sup>th</sup> Street; and 16<sup>th</sup> Street north to McKinley Street. To include clients of the Nebraska Department of Health and Human Services: RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The video hearing previously set for December 18, 2002, was continued to January 29, 2003, at 9:00 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2<sup>nd</sup> Floor, 1313 Farnam, Omaha. Commissioner Boyle will preside as Hearing Officer.

B-1441 In the Matter of R & F Hobbies, Inc., dba Prince of the Supp. 2 Road, Ravenna, seeking to extend its authority as a common carrier in Nebraska intrastate commerce in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Nebraska over irregular routes: An oral argument was set for February 4, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

B-1594 In the Matter of A-1 Ambassador Limousine, Inc., dba A-1 Special Services, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Nebraska over irregular routes in sedans, buses, vans, and station wagon: An oral argument was set for February 4, 2003, at 3:00 p.m. in the Commission Hearing Room, Lincoln.

Rate Division

MR-1005 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 the National Motor Freight Classification NMF 1000-AC: Upon agreement of all Commissioners, 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 retained at 12 cents per mile and the taxi surcharge at 15 cents per trip.

GENERAL ADMINISTRATION

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

GENERAL ADMINISTRATION (Cont.)

DAS - Materiel Division - Office Supply	\$ 884.30
DAS - Materiel Division - Printing	455.03
IM Services	313.83
Ted Burkey	2,007.50
Hamilton Relay Inc.	83,492.04
Robert Bowman	559.52
Fred Massing	794.36
Mark Masterton	370.37
Andy Pollock	20.89
Gerald Vap	343.12

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

AGH Sales	320.35
Associated Hearing Health Care	126.50
Audiology Services & HAC PC	913.85
Hamilton Relay	400.86
HARC Merchantile LTD	198.95
K-D Communications	981.35
Grand Island Hearing Aid Ctr	1,734.45
The Hearing Clinic Inc	985.00
Carl A. Johnson	427.30
R & J Enterprises	2,227.25
McCook Pharmacy & Medical Supply	859.65
Family Hearing Specialists	227.40

Upon agreement of all Commissioners, Commission minutes for the months of October and November, 2002, were approved.

Upon agreement of all Commissioners, authorization was granted for Brenda Wicken to pay Commission invoices from December 18, 2002, to January 6, 2003.

Upon agreement of all Commissioners, authorization was granted for John Fecht to grant all Grain Warehouse license applications which meet statutory requirements from December 18, 2002, to January 6, 2003.

Attention was called to the following proceedings:

Friday, December 20, 2002:

1:30 CDT Video Meeting. Commission Library, Lincoln, Alliance  
12:30 MDT Learning Center, Room 123, 1750 Sweetwater Street,  
Alliance, and Western Northeast Community College, Room  
122, 371 College Drive, Sidney. Nebraska Internet  
Enhancement Fund (NIEF) Advisory Board.

GENERAL ADMINISTRATION (Cont.)

Monday, January 6, 2003:

NUSF-31 Commission Hearing Room, Lincoln.  
2:00 Pinpoint Communications Inc., Cambridge, seeking designa-  
tion as an Nebraska Eligible Telecommunications Carrier  
(ETC) that may receive state universal service support.  
Commissioner Vap chairing.

A resolution regarding Commissioner's legislative agenda  
was discussed.

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The meeting adjourned at 3:25 p.m. with Commissioners  
Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next  
regularly scheduled meeting will be held on January 7, 2003, at 10:00  
a.m. with an agenda to be available in the office of the Executive  
Director at 10:00 a.m. on January 6, 2003.

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Chair

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Executive Director