

Chair Boyle called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused for the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published January 21, 2003, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 28, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

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., Lincoln, Complainant, vs. Qwest Corporation, Denver, Colorado, 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 present, an order was entered denying the motions to reconsider and to stay the order.

FC-1305 In the Matter of Curt Simonson, Big Springs, Complainant, vs. Qwest Communications, Inc., Omaha, Defendant, alleging fraudulent business practices: Upon agreement of all Commissioners present, the formal complaint was denied.

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: On January 22, 2003, an order was entered by Hearing Officer Vap granting the motion to accept an answer.

C-2861/ In the Matter of the Complaint of Maurice Gene Hand,
DC-62 Director, Nebraska Public Service Commission, Communications Department, vs. Advantage Telecommunications, Corp., Maitland, Florida, for suspect marketing practices and misrepresentations: Upon agreement of all Commissioners present, a Petition for Order to Show Cause was entered and a hearing was for March 12, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-2868/
NUSF-35
PI-69 In the Matter of the Commission, on its own motion, seeking to determine Nebraska Eligible Telecommunications Carrier status for the purposes of receiving state universal service support for the provision of Telehealth and Lifeline services: Upon agreement of all Commissioners present, an order was entered opening the docket and seeking comments by February 21, 2003.
- C-2739 In the Matter of NexGen Integrated Communications, L.L.C., Urbandale, Iowa, seeking to request temporary exemption from local number portability in Omaha: Upon agreement of all Commissioners present, the application was granted.
- C-2797 In the Matter of NECC Telecom, Inc., Jeffersonville, Indiana, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was withdrawn at applicant's request.
- C-2825 In the Matter of Startec Global Licensing Company, Potomac, Maryland, seeking authority to obtain a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services and for approval of its initial tariff: Upon agreement of all Commissioners present, the application was withdrawn at applicant's request.
- C-2850 In the Matter of Concert Communications Sales, LLC, Reston, Virginia, seeking authority to change its name to BT Communications Sales, LLC: Upon agreement of all Commissioners present, the application was granted.
- Chris Post discussed the notification received from Qwest related to the computer virus they experienced on January 25, 2003.
- C-2851 In the Matter of Qwest Corporation, Denver, Colorado, and Arch Paging, Westborough, Massachusetts, seeking approval of an amendment to a paging connection agreement (SPOP, Term) previously approved in Application C-2361: Upon agreement of all Commissioners present, the amendment was approved.
- C-2853 In the Matter of Qwest Corporation, Denver, Colorado, and Sagir, Inc., Ithaca, New York, seeking approval of an amendment to a wireless interconnection agreement previously approved in Application C-1582: Upon agreement of all Commissioners present, the amendment was approved.
- 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 January 28, 2003, was continued to a date later to be determined.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1307 In the Matter of Airwave Wireless Communications, Inc.,
Scottsbluff, vs. Qwest Communications, Inc., Omaha, alleg-
ing unsatisfactory retail and wholesale services in western Nebraska:
The video hearing previously set for January 28, 2003, was continued
to a date later to be determined.

Engineering Department

E-1973 In the Matter of Nebraska Public Power District, Columbus,
E-1976 seeking authority to construct, operate and maintain elec-
tric transmission lines in Scotts Bluff County: Upon
agreement of all Commissioners present, the applications were granted.

Commissioner Rod Johnson entered the Commission Hearing
Room.

UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking
to establish a long-term universal service funding mechan-
ism: Upon agreement of all Commissioners, a motion to admit a non-
resident attorney in this proceeding was granted.

NUSF-28 In the Matter of the Commission, on its own motion, seeking
to conduct an investigation of intrastate access charges
for rural ILECs: Jeff Pursley informed the Commission of Sprint's
late filing of their access tariff that was due January 1, 2003.

NUSF-33 In the Matter of the Commission, on its own motion, seeking
to investigate the audit requirements related to the
Nebraska Universal Service Fund: Upon agreement of all Commissioners,
an order was entered changing the hearing previously scheduled for
March 11, 2003 at 2:00 p.m. to a workshop.

NUSF-35/ In the Matter of the Commission, on its own motion, seeking
PI-69 to determine Nebraska Eligible Telecommunications Carrier
status for the purposes of receiving state universal ser-
vice support for providing Lifeline/Link-up services and Telehealth
services to rural hospitals: Upon agreement of all Commissioners, an
order was entered opening the docket and seeking comments on or before
February 21, 2003.

WIRELESS E-911 DEPARTMENT

Kara Thielen updated the Commission on the Advisory Board
Meeting held on January 24, 2003.

FEDERAL REPORT

UNE-P

NASUCA Study: A study conducted by the National Association of State Utility Consumer Advocates (NASUCA) indicates that local telephone competition could fall drastically if the FCC eliminated the obligations of incumbent local exchange carriers to provide an unbundled network element platform (UNE-P) to competitors at discount rates. The report concludes that CLECs' share of the residential local telephone market could be reduced by as much as 77% in some states if the FCC changes the UNE-P rules.

Congress

House Hearing on Telecommunications Economy: The House Energy and Commerce Committee is planning a hearing the first week of February on the state of the telecommunications economy.

LEGISLATION

Laura Davenport reported on legislative developments and the website.

Upon agreement of all Commissioners, a resolution was approved on the Commission's position on cash funding.

TRANSPORTATION DEPARTMENT

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: Upon agreement of all Commissioners, the Motion for Rehearing and/or Consideration was denied.

B-1605 In the Matter of Gonzalo Vega, Lexington, seeking authority as a common carrier in Nebraska interstate commerce in the transportation of passengers in intrastate commerce by taxicab in sedans between points in the city of Lexington and Dawson County and between points in the city of Lexington and Dawson County, on the one hand, and, on the other hand, points in Nebraska over irregular routes to include the 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: A hearing was set for March 5, 2003, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1614 In the Matter of Corn Belt Travel, Inc., dba First Place Travel/Bye Bye Now Limousine, Sioux City, Iowa, seeking authority as a common carrier of passengers by limousine over irregular routes between points in South Sioux City, and between points in South Sioux City and points within a 100-mile radius of South Sioux City. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A video hearing was set for March 6, 2003, at 1:00 p.m. in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam Street, Omaha; Kearney Public Library and Information Center, 2nd Floor, 2020 First Avenue, Kearney; and Von Riesen Library, Room 6, Basement level, 1205 East 3rd Street, McCook. Commissioner Rod Johnson will preside as Hearing Officer.

B-1590 In the Matter of Alford Oil Company, dba Embassy Limo, Omaha, seeking to change its name from Alford Oil Company, dba Embassy Limo, to Alford Oil Company, dba VIP Limousine: A hearing was set for January 31, 2003, at 1:30 p.m. in the Commission Library, Lincoln.

B-1600 In the Matter of Y Turner's Unlimited, Inc., Omaha, seeking to transport passengers by van in Nebraska intrastate commerce in open class service from McKinley Street southwest to State Street; State Street west to 120th Street; 120th Street south to Interstate 80; Interstate 80 east to 72nd Street; 72nd Street south to Harrison Street; Harrison Street east to 16th Street; 16th Street north to McKinley Street. Includes the transportation of the clients of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The video hearing previously set for January 29, 2003, was continued to a date later to be determined.

Rate Division

MR-1009/
PI-70 In the Matter of the Commission, on its own motion, seeking to initiate an investigation on range uniformity in the Official Intracity Household Goods Tariff 22, and to develop procedures for efficiently processing household goods mover tariff amendments: Upon agreement of all Commissioners, an order was entered opening the docket and seeking comments.

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 14 cents per mile and the taxi surcharge at 15 cents per trip.

GENERAL ADMINISTRATION

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

Cornhusker State Industries	\$ 1,150.00
DAS - Communications	2,982.40
DAS - Materiel - Copy Services (4 th Qtr)	2,689.46
Rod Johnson	907.05

The Commission discussed a claim presented on behalf of Clarence Walbrecht in a 1982 York Milling and Elevator Company matter.

Upon agreement of all Commissioners, authorization was granted for Tim Sandusky to travel to Louisville, Kentucky, from March 1-14, 2003, to attend the Federal Railroad Administration (FRA) Track Recurrency Class with all expenses to be paid by the FRA.

Commissioner Vap moved that the Commission go into closed session to discuss litigation issues and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:10 a.m.

Commissioner Vap moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:25 a.m.

The meeting adjourned at 11:30 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on February 4, 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 February 3, 2003.

Chair

Executive Director