

Chair Boyle called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Lowell Johnson and Rod Johnson present and Commissioners Landis and Vap excused.

GENERAL ADMINISTRATION

Notice was duly published February 4, 2003, on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 11, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Gene Hand provided a report on the Collaborative Aggregation Partnership (CAP) activities.

C-1128 PO No. 3 In the Matter of the Commission, on its own motion, seeking to set guidelines for mediation, arbitration, and reviews of negotiated agreements under the Telecommunications Act of 1996: Upon agreement of all Commissioners present, an order was entered seeking further comment on proposed amendments to the Mediation and Arbitration Policy by March 17, 2003.

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, Omaha, Respondent, requesting a review of Qwest's common channel switched access capability signaling rate elements as set forth in Qwest's Access Service Catalog: Gene Hand discussed the February 7, 2003, receipt of Qwest's notice of filing of Appeal for Relief of order entered December 17, 2002, with Supreme Court and Court of Appeals of the State of Nebraska; Praeceptum for Transcript; and request for preparation of Bill of Exceptions.

C-2842 In the Matter of Frontier Communications of America, Inc. and Citizens Telecommunications Company, both of Burnsville, Minnesota, seeking approval of a merger: Upon agreement of all Commissioners present, the Frontier Communications of America, Inc. request for an extension until April 30, 2003, for filing of a tariff was granted.

C-2859 In the Matter of Lockheed Martin Global Telecommunications Services, Inc., Orlando, Florida, seeking authority to surrender the certificate of authority for resold interexchange telecommunications services granted in Application C-2601: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2862 In the Matter of HunTel CableVision, Inc., d/b/a HunTel Communications, Blair, seeking authority to provide resold and facilities-based competitive local exchange telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2880 In the Matter of the consolidated application of Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks, Bluffdale, Utah, seeking authority to operate as a resale interexchange carrier of telecommunications services within the state of Nebraska and to transfer customers of Touch America, Inc., Denver Colorado: Gene Hand informed the Commission that the applicant had been revoked in Application C-2292/DC-33 for being a "willful" violator and for failure to file a 1999 annual report. Applicant has offered to pay the outstanding fine in order to be granted approval to provide said services, but asks permission to make payments in installments. Upon agreement of all Commissioners present, the staff was authorized to prepare a stipulation regarding this application which allows for payment of the fine in installments.

Gene Hand discussed Hamilton Relay 711 awareness materials.

C-2860 In the Matter of Qwest Corporation, Denver, Colorado, and Cricket Communications, Inc., San Diego, California, seeking approval of collocation amendment to an interconnection agreement previously approved in Application C-2578: Upon agreement of all Commissioners, the agreement was approved.

C-2876 In the Matter of Qwest Corporation, Denver, Colorado, and Page Data, Boise, Idaho, seeking approval of an interconnection agreement pursuant to Section 252(i) of the 1996 Telecommunications Act: Upon agreement of all Commissioners present, the agreement was approved.

FC-1309 In the Matter of Houlton Enterprises, Inc., d/b/a Guaranteed Phone Service, Council Bluffs, Iowa, vs. Qwest Corporation, Omaha, regarding erroneous billing: A hearing was set for March 17, 2003, at 2:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

FC-1310 In the Matter of ALLTEL Communications of the Midwest, Inc., Lincoln, vs. Qwest Corporation, Omaha, regarding DSL circuit pricing: An oral argument was scheduled for March 25, 2003, at 1:30 p.m. in the Commission Hearing Room. Commissioner Landis will preside as Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

Engineering Department

E-1983 In the Matter of Wheat Belt Public Power District, Sidney, seeking authority to construct, operate and maintain an electric transmission line in Cheyenne: A hearing was set for March 5, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

UNIVERSAL SERVICE FUND

NUSF-33/
PI-68 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 present, an order was entered approving a non-resident attorney in this proceeding.

Jeff Pursley discussed the changes of the Lifeline/Link-up Program.

WIRELESS E-911 DEPARTMENT

PSAP-021 In the Matter of Holt and Boyd Counties PSAP, O'Neill, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

FEDERAL REPORT

UNE

The FCC has postponed its February 13th Agenda Meeting until February 20th. The proposed agenda includes the FCC's Review of Unbundled Network Elements (UNE) Report and Order concerning incumbent local exchange carriers' obligations to make elements of their networks available to new entrants on an unbundled basis.

Public Safety Communications

Senator Patrick J. Leahy (D. Vt.) has introduced legislation that would create a "First Responders Partnership Grant" Program which would distribute \$4 billion a year to first responders to pay for new communications equipment and other costs. The bill (S 3150) was cosponsored by Senators Thomas Daschle (D. SD) and Harry Reid (D. Nev.).

FEDERAL REPORT (Cont.)

National Do-Not-Call

Legislation that would implement a national "do-not-call" list at the Federal Trade Commission this year is set for a House vote Wednesday.

LEGISLATION

The Commission approved fiscal notes for the following legislation:

LB 339, 650, 690, 790 and 792 all dealing with natural gas regulation.

LB 636 and LB 735, both dealing with revisions to the Grain Warehouse and Grain Dealer Acts.

Upon agreement of all Commissioners present, the Commission voted to take no position on LB 254, dealing with the shipment of radioactive waste.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed action at the federal level.

TRANSPORTATION DEPARTMENT

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: Upon agreement of all Commissioners present, an order recognizing applicant's name change was entered.

M-14178 In the Matter of Ace Moving & Storage Co., Inc., Omaha, seeking to acquire, through transfer, the authority granted to Ace Storage & Transfer, Inc. in Certificate M-14136: Upon agreement of all Commissioners present, temporary authority was granted.

B-1605 In the Matter of Gonzalo Vega, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxicab in sedans 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: The hearing previously set for March 5, 2003, was continued to March 10, 2003, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

M-14107 In the Matter of TTEMM, Inc., dba Two Men and a Truck/
Supp. 4 Omaha, seeking to extend the authority as a common carrier
in Nebraska intrastate commerce in the transportation of
household goods between points within the state of Nebraska: A
video hearing was set for April 17, 2003, at 10:00 a.m. in the
Commission Library, Lincoln; Nebraska State Office Building, Room
207, 2nd Floor, 1313 Farnam, Omaha; Public Library, 2nd Floor, 517
West 4th Street, Hastings; and, Von Riesen Library, Room 6, Basement
level, 1205 East 3rd Street, McCook. Commissioner Boyle will preside
as Hearing Officer.

Rate Division

BR-284 In the Matter of Robert Bass, dba Upper Nile Staff, Omaha,
seeking authority to amend its van rates: 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 increased to 24 cents per mile and the
taxi surcharge was retained at 25 cents per trip.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners present, the Commission
meeting previously set for March 18, 2003, was reset for March 25,
2003.

Andy Pollock discussed the trade representative request for
information about GATS inquiries from other countries impacting
Nebraska law.

Commissioner Rod Johnson moved that the Commission go into
closed session to discuss personnel issues and Commissioner Lowell
Johnson seconded the motion. Upon agreement of all Commissioners
present, the Commission went into closed session at 10:55 a.m.

Commissioner Rod Johnson moved that the Commission return
to open session and Commissioner Lowell Johnson seconded the motion.
Upon agreement of all Commissioners present, the Commission returned
to open session at 11:03 a.m.

Upon agreement of all Commissioners present, authorization
was granted to hire Denise Feese as a temporary to replace Rose Price
who is on medical leave.

The meeting adjourned at 11:05 a.m. with Commissioners Boyle, Lowell Johnson and Rod Johnson present and Commissioners Landis and Vap excused. The next regularly scheduled meeting will be held on February 13, 2003, at 10:30 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 12, 2003.

Chair

Executive Director