

Chair Boyle called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused.

#### GENERAL ADMINISTRATION

Notice was duly published March 18, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 25, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking PO #3 to establish a long-term universal service funding mechanism: Upon agreement of all Commissioners present, an order was entered extending the time the Telehealth Plan is due in Progression Order #3 from April 1, 2003, to June 1, 2003.

NUSF-33 In the Matter of the Commission, on its own motion, seeking PO #1 to investigate the audit requirements to the Nebraska Universal Service Fund: Upon agreement of all Commissioners present, an order was entered extending the audit deadline pursuant to NUSF-1, Progression Order #7, from June 20, 2003, to December 31, 2003, which shall include the full 18 months of data.

NUSF-34.1 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of GCC License, dba Western Wireless, to accurately report information as set forth in the rules and regulations of this Commission's Order: Upon agreement of all Commissioners present, an order was entered requiring Western Wireless to certify within thirty days that the problems investigated in this procedure have been corrected. Upon agreement of all Commissioners present, the true-up refund request by Western Wireless shall be granted.

Jeff Pursley discussed the present status of the Universal Service Fund.

Jeff Pursley discussed the receipt of late-filed carrier remittances and the procedure the department uses to track their receipt. Additionally, he discussed the assessment of late-fees against all carriers filing after the deadline and the procedure proposed in collecting those fees.

Jeff Pursley discussed the status of open NUSF dockets and pending meetings, hearings and comments related to these dockets.

UNIVERSAL SERVICE FUND (Cont.)

A copy of the Nebraska USF Advisory Board Minutes from March 14, 2003, were distributed.

Jeff Pursley reported on the voluntary certificate surrender of Telecommunications Cooperative Network, Inc. and the future impact it will have on the Nebraska Universal Service Fund.

The Alltel Powerpoint presentation on Audit Compliance was distributed and discussed.

Jeff Pursley reported on the status of MCI WorldCom's audit compliance report.

Jeff Pursley updated the Commission on the progress of discussions between the NUSF Department and the Nebraska Department of Health and Human Services regarding the NTAP Program. A copy of the Memo of Understanding between the PSC and HHS, the proposed NTAP Form and HHS pre-approved form, and the proposed mailing costs associated with the mailing from HHS's data base were distributed to the Commission and discussed.

A list of comments received by the NUSF Department in dockets currently open was distributed to the Commission and discussed by Jeff Pursley.

WIRELESS E-911 DEPARTMENT

PSAP-024 In the Matter of Harlan/Phelps Counties PSAP, Holdrege, seeking funding approval for recurring and non-recurring costs of enhanced wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

Kara Thielen informed the Commission that the Advisory Board Meeting will be held Tuesday, April 15, 2003, at 2:00 p.m. CST at the Buffalo County Sheriff's Office Law Enforcement Center, Multi-Purpose Center, 202 Avenue A, Kearney.

Kara Thielen invited the Commission to attend the Phase II Technical Conference to be held in Grand Island on April 16 and 17, 2003.

Kara Thielen updated the Commission on the status of Phase I requests and implementations.

Kara Thielen advised the Commission that Lancaster/Lincoln 911 had received a grant from the Public Safety Foundation of America.

FEDERAL REPORT

U.S. Supreme Court: The U.S. Supreme Court has declined to review a federal appeals court's decision overturning the FCC's previous unbundled network element (UNE) and line-sharing rules. Competitive local exchange carriers had asked the court to review the decision by the U.S. Court of Appeals in Washington in WorldCom, Inc., et al. v. U.S. Telecom Association et al.

Congress: The House Judiciary Committee has announced a roundtable discussion in Detroit on competition in the telecom sector. Michigan is considered by many to be one of the states with the highest level of local telephone competition.

Local News - Qwest: The Omaha World Herald reported that Qwest is planning to build a high-speed broadband network for Alegent Health to transmit patient information among its Omaha area hospitals. The fiber-optic network is expected to be in place by June. Qwest will own and maintain the network.

LEGISLATIVE REPORT

Laura Davenport updated the Commission on legislative bills affecting the PSC. Chair Boyle discussed hearings on the cash-funding bills (LB 697 and the budget).

WIRELESS E-911 DEPARTMENT

Kara Thielen discussed the Alltel Wireless Implementation Plan and advised the Commission that Alltel Wireless has yet to file a Plan. The Commission was informed there are invoices that cannot be paid until their plan is approved and notices have been sent advising this.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2806 In the Matter of Miller Grain Company, Inc., Salina, Kansas: The Commission directed the staff to prepare a letter or Chair Boyle's signature authorizing retention of legal representation in the bankruptcy proceedings.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Upon agreement of all Commissioners present, a resolution was approved and signed relating to members of the Modular Housing Unit Ad-Hoc Committee.

TRANSPORTATION DEPARTMENT

B-1483 In the Matter of Raymond L. Eichman, York, seeking clarification of its authority which reads as follows: transportation of passengers between points within a 100-mile radius of York over irregular routes under continuing contracts with FHC Options, Inc. RESTRICTIONS: Restricted to transportation originating in York County. The transportation of railroad train crews and their baggage is not authorized: Laura Davenport discussed the reason for the request and the current operation of the authority holders. The Commission was made aware of Mr. Eichman's operation and will take it under advisement.

B-1497 In the Matter of Steven James Bright, dba Royal Flush Coach Service, Royal, seeking revocation and cancellation of the common carrier authority in Certificate B-1497: Upon agreement of all Commissioners present, the revocation was granted and authority in B-1497 revoked.

B-1531 In the Matter of Ronald Clark and Allen Clark, dba Limo de Luxe, McCool Junction, seeking revocation and cancellation of the common carrier authority in Certificate B-1531: Upon agreement of all Commissioners present, the revocation was granted and authority in B-1531 revoked.

B-1554 In the Matter of DJW, Inc., dba Luxury Limousine Service, Supp. 2 Syracuse, seeking to acquire, through transfer, the authority as a common carrier granted to Steven L. Gill, dba Cookies Limousine Service, Beatrice, in Certificate B-1536: Upon agreement of all Commissioners present, temporary authority was granted.

B-1597 In the Matter of Caring Network, Inc., Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in open class service between points in Douglas, Sarpy, Washington, Cass, and Dodge counties 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: Upon agreement of all Commissioners present, the application was granted as modified.

B-1620 In the Matter of Kochkammerer Enterprises, Inc., dba Safeway Cabs, Omaha, seeking to acquire, through transfer, the authority granted to Safeway Cabs, Inc., in Certificate B-287: Upon agreement of all Commissioners present, temporary authority was granted.

TRANSPORTATION DEPARTMENT (Cont.)

B-1591 In the Matter of WW Service, Inc., Yutan, seeking authority as a contract carrier of passengers for the Department of Defense between points in Nebraska over irregular routes by sedan and van. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. The transportation of Health and Human Services and subcontractors thereof is not authorized: The video hearing previously scheduled for January 23, 2003, was continued to April 21, 2003, at 1:30 p.m. in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, 2<sup>nd</sup> Floor, 1313 Farnam on the Mall, Omaha; and, College Park, Conference Room C, 3180 West Highway 34, Grand Island. Commissioner Boyle will preside as Hearing Officer.

B-1601 In the Matter of Ruben Farias Figueroa, dba Grisel, 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 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: The video hearing previously set for March 13, 2003, was continued to April 24, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as Hearing Officer.

B-1613 In the Matter of Rick Holloway, dba Taxi Specialties of Lexington, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxicab between points in the city of Lexington and between points in Lexington and 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 26, 2003, was continued to April 10, 2003, at 10:00 a.m. in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, 2<sup>nd</sup> Floor, 1313 Farnam on the Mall, Omaha; Public Library and Information Center, 2<sup>nd</sup> Floor, 2020 First Avenue, Kearney; Von Riesen Library, Room 6, Basement level, 1205 East 3<sup>rd</sup> Street, McCook; and Public Library, 2<sup>nd</sup> Floor, 517 West 4<sup>th</sup> Street, Hastings. Commissioner Vap will preside as Hearing Officer.

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, the application was granted and Certificate M-14136 revoked.

TRANSPORTATION DEPARTMENT (Cont.)

M-14179 In the Matter of A-1 Relocation, Inc., dba Lincoln Moving Services, Lincoln, seeking to acquire, through transfer, the authority granted to Star Warehouse Company, dba Star Van & Storage Co., in Certificate M-12171: Upon agreement of all Commissioners present, the application was granted and Certificate M-12171 revoked.

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 reduced to 20 cents per mile and the taxi surcharge was retained at 30 cents per trip.

COMMUNICATIONS DEPARTMENT

FC-1311 In the Matter of Business Telephones, Inc., Scottsbluff, vs. Sprint Corporation, alleging unfair business practices: Gene Hand advised the Commission that Sprint had filed an answer on March 13, 2003.

FC-1312 In the Matter of Michael J. Haller, Omaha, vs. Qwest Communications, alleging unsatisfactory business practices: Gene Hand advised the Commission that a formal complaint had been received on March 20, 2003, from Michael J. Haller. The answer is due April 11, 2003.

C-2738 In the Matter of the Commission, on its own motion, seeking  
PI-58 to investigate telecommunications companies' terms, conditions and rates for the provision of wireless termination service: Gene Hand advised the Commission that a Motion for Time Enlargement and Clarification had been received from the Nebraska Independent Telephone Association. Upon agreement of all Commissioners present, an order was entered granting the motion in part by extending the deadline for commencing negotiations to April 23, 2003.

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 advised the Commission that Qwest Communications filed a protest to the arbitration agreement. An oral argument was scheduled for April 7, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

C-2872 In the Matter of Great Plains Communications, Inc., Blair, seeking arbitration to resolve issues relating to an interconnection agreement with WWC License L.L.C., Issaquah, Washington: Upon agreement of all Commissioners present, a Protective Order was entered.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2882 In the Matter of Qwest Corporation, Denver, Colorado, and New Edge Network, Inc., d/b/a New Edge Networks, Vancouver, Washington, seeking approval of an amendment to an interconnection agreement previously approved in Application C-2799: Upon agreement of all Commissioners present, the amendment was approved.

C-2885 In the Matter of Qwest Corporation, Denver, Colorado, and Fast Phones of Nebraska, Lincoln, seeking approval of a Resale Agreement: Upon agreement of all Commissioners present, the agreement was approved.

Dick Palazzolo reviewed a recent numbering issue involving Level 3 Communications.

Upon agreement of all Commissioners present, a Resolution was adopted recognizing Richard "Dick" Palazzolo for his dedicated service to the Public Service Commission and the citizens of the State of Nebraska.

The Commission recessed at 11:55 a.m. and reconvened at 2:15 p.m.

GENERAL ADMINISTRATION

Attention was called to the following proceedings:

Tuesday, March 25, 2003:

FC-1310 Commission Hearing Room, Lincoln.  
1:30 ALLTEL Communications of the Midwest, Inc., Lincoln, vs. Qwest Corporation, Omaha, regarding DSL circuit pricing. Commissioner Landis chairing.

Upon agreement of all Commissioners present, Commission minutes for the month of January, 2003, were approved.

Upon agreement of all Commissioners present, the Commission meeting set for April 1, 2003, was changed from 10:00 AM to 2:00 PM.

Upon agreement of all Commissioners present, the Commission meeting previously set for June 24, 2003, was rescheduled for June 25, 2003.

Upon agreement of all Commissioners present, authorization was granted to surplus Vehicle #7195, 1994 Grand Prix (Randy Nelson).

Upon agreement of all Commissioners present, authorization was granted to purchase replacement computers.

GENERAL ADMINISTRATION (Con.)

The Commission discussed the claim filed by the estate of Clarence Walbrect.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Lowell Johnson to attend the TRS Council Meeting to be held in Washington, DC, on April 21-22, 2003.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Boyle, Gene Hand and Chris Post to attend the Regional Oversight Committee (ROC) Meeting to be held in Denver, Colorado, from May 4-6, 2003.

Upon agreement of all Commissioners present, authorization was granted for Bob Bowman to travel to Black Hawk, South Dakota, on March 25 and 26, 2003, to perform a modular housing unit factory inspection at Global Placemakers with all expenses, including time, to be reimbursed to the Commission by Global Placemakers.

Upon agreement of all Commissioners present, authorization was granted for Kent Pribyl to travel to Clay Center, Kansas, on March 27, 2003, to perform a modular housing unit factory inspection at Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

The Commission discussed a letter received regarding Commissioner Lowell Johnson's service to the Telecommunications Relay Advisory Committee and the appointment of Commissioner Vap to the committee effective January 31, 2003.

Upon agreement of all Commissioners, the retirement of Richard Palazzolo was accepted.

\*\*\*\*\*

The meeting adjourned at 2:25 p.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on April 1, 2003, at 2:00 p.m. with an agenda to be available in the office of the Executive Director at 2:00 p.m. on March 31, 2003.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Executive Director