

Chair Boyle called the regularly scheduled meeting to order at 2:03 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published March 28, 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 April 1, 2003, at 2:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Cheryl Elton reported on quantity and type of complaints received by the Communications Department during the preceding month.

C-2648 In the Matter of the Petition of Nebraska Technology & Telecommunications, Inc., Lincoln, seeking arbitration of the interconnection rates, terms and conditions with Aliant Communications Co., dba Alltel: Gene Hand advised the Commission that the Submission of Interconnection Agreement in Conformity with Arbitrator's Final Decision was filed on March 26, 2003. An Oral Argument was scheduled for April 15, 2003, at 1:30 p.m. CDT in the Commission Hearing Room, Lincoln.

C-2831 In the Matter of the Commission, on its own motion, seeking
PI-67 to investigate telecommunications infrastructure development in Nebraska: Upon agreement of all Commissioners, the report and order were entered.

C-2877 In the Matter of Consolidated Communications Operator Services, Inc., Mattoon, Illinois, seeking authority to operate as an operator service provider within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2881 In the Matter of Teleglobe USA, Inc., Teleglobe USA L.L.C. and TLGB Corporation, Reston, Virginia, seeking approval of the assignment of assets and transfer of authorization to provide telecommunications services and related transactions: Upon agreement of all Commissioners, the application was granted.

C-2884 In the Matter of Plainview Telephone Company, Plainview, seeking approval of an extension to the existing basis date agreement of its rural utilities service loan: Upon agreement of all Commissioners, the application was granted.

C-2886 In the Matter of WorldxChange Corp., San Diego, California, seeking authority to adopt Acceris Communications Partners and Acceris Communications Solutions as "doing business as" names: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2887 In the Matter of Qwest Corporation, Denver, Colorado, and Alltel Communications of the Midwest, fka Aliant Midwest, Inc., d/b/a Alltel, Little Rock, Arkansas, seeking approval of an amendment to the Interconnection Agreement previously approved in Application C-1530: Upon agreement of all Commissioners, the application was granted.

C-2888 In the Matter of Qwest Corporation, Denver, Colorado, and Central Nebraska Telephone & Equipment, Inc., Holdrege, seeking approval of an amendment to the Interconnection Agreement previously approved in Application C-2201: Upon agreement of all Commissioners, the application was granted.

C-2889 In the Matter of Qwest Corporation, Denver, Colorado, and DIECA Communications, Inc., dba Covad Communications Company, Santa Clara, California, seeking approval of an amendment to the Interconnection Agreement previously approved in Application C-2325: Upon agreement of all Commissioners, the amendment was granted and the Interconnection Agreement was terminated.

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking contract carrier permit authority: Gene Hand advised the Commission that an application for authority was filed on March 27, 2003, by Lincoln Electric System and the application will be posted to the Public Service Commission website.

FC-1311 In the Matter of Business Telephones, Inc., Scottsbluff, vs. Sprint Corporation, alleging unfair business practices: A video hearing was scheduled for April 22, 2003, at 1:30 p.m. CDT in the Commission Library, Lincoln; and Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff. Commissioner Vap will preside as Hearing Officer.

Gene Hand discussed the March 12, 2003, letter from Bob Chase, Executive Director, Office of Communication, United Church of Christ, Inc.: The staff was directed to prepare a response for Chair Boyle's signature.

Engineering Division

E-1981 In the Matter of Nebraska Public Power District, Columbus,
E-1982 seeking authority to construct, operate and maintain electric transmission lines in Saunders, Lancaster and Sheridan Counties: Upon agreement of all Commissioners, the applications were granted.

E-1986 In the Matter of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Boone County: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

E-1987 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Upon agreement of all Commissioners, the application was granted.

UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking PO #4 to establish a long-term universal service funding mechanism: Upon agreement of all Commissioners, a Pre-Hearing Conference was scheduled for May 22, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Pre-filed testimony is due June 6, 2003. A hearing was set for June 18, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

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, an order was entered setting fines for those companies failing to comply with Commission orders in this proceeding.

Jeff Pursley reported on recommendations for the appointment and re-appointment of NUSF Advisory Board Members. Upon agreement of all Commissioners, Anne Byers was appointed and Chuck Fast and Floyd Olson were re-appointed to the board.

The issuance of Commemorative Resolutions for Chuck Fast and Floyd Olson of the NUSF Advisory Board was postponed to a later date so these two board members would be able to receive their commemoration in person.

Jeff Pursley discussed the revisions of the proposed assessment and collection of late-filed carrier remittances. Upon agreement of all Commissioners, a \$50.00 late handling fee was approved.

Jeff Pursley reported on communications between Health and Human Services (HHS) and Group Home Administrators regarding the NTAP information. HHS is working to provide a list of homeless shelters and domestic violence shelters from their Facility Roster.

Jeff Pursley discussed his response to HunTel's March 24, 2003, letter regarding the Lifeline/Link-up Program.

Jeff Pursley discussed the estimated fund balance in a letter to Dave Spatz, Budget Management Analyst, dated March 6, 2003.

UNIVERSAL SERVICE FUND DEPARTMENT (Cont.)

Jeff Pursley informed the Commission that Dick Fleming with AARP is agreeable to provide assistance for processing NTAP applications.

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: Jeff Pursley discussed audit requirements.

NUSF-7.1 In the Matter of Henderson Cooperative Telephone Company, D/b/a Mainstay Communications, seeking a waiver for additional Nebraska Universal Service Funding: Jeff Pursley reported that Henderson had filed an affidavit seeking monies previously approved by the Commission.

Jeff Pursley reported that Elsie and Dalton filed a waiver request related to the NUSF Earn Form.

Jeff Pursley discussed Touch America's failure to file a remittance audit.

WIRELESS E-911 DEPARTMENT

WSP-005 In the Matter of ALLTEL Wireless, Little Rock, Arkansas, seeking approval of the request for funding from the Enhanced Wireless 911 Fund: Upon agreement of all Commissioners, the application was granted.

RULES AND REGULATIONS

Rule and Regulation #141 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 1, Rules of Commission Procedure, Section 1, Definitions, and Section 018, Conduct of Proceedings, to reflect that a proceeding will be conducted by at least three Commissioners who shall select one of the Commissioners to serve as presiding hearing officer and to recodify the chapter in its entirety to correct technical errors such as grammar, punctuation, spelling, sequential numbering, etc.: Upon agreement of all Commissioners, the docket was closed.

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: Chris Post informed the Commission that the rules had been signed by the Governor and would be effective March 31, 2003.

RULES AND REGULATIONS (Cont.)

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 7, Transmission Lines Rules and
#154 Regulations, to adopt the 2002 edition of the National
Electrical Safety Code as the official rules of the Commis-
sion for the construction, operation, and maintenance of overhead and
underground electric transmission lines and to recodify the document
in its entirety to meet Secretary of State formatting requirements:
Shana Knutson informed the Commission that the rules had been signed
by the Governor and would be effective March 31, 2003.

LEGISLATIVE REPORT

Andy Pollock and Gene Hand discussed LB 790 and LB 743.

Andy Pollock reported on an amendment to LB 743 to have the
NPSC utilize the FTC "do not call database".

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortage:

GW-445 Corn at Farmers Union Cooperative Co., Spencer.

GW-2154 In the Matter of Pride Grain LLC, Long Pine, seeking spe-
cial rates for commercial storage: A hearing was set for
May 12, 2003, at 10:30 a.m. CDT in the Commission Hearing Room, Lin-
coln.

Grain Dealer Division

GD-2808 In the Matter of NFO Members Grain, Inc., Ames, IA: John
Fecht discussed current financial concerns. The staff
was directed to enter an order on April 8, 2003, suspending the
license and setting a hearing if the problems were not resolved by
then.

TRANSPORTATION DEPARTMENT

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 of passengers 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: Commissioner Landis moved to deny the
Motion for Rehearing and/or Reconsideration and Commissioner Vap
seconded the motion. Commissioners Lowell Johnson, Rod Johnson,
Landis and Vap voted aye and Commissioner Boyle voted nay. The motion
passed and the Motion for Rehearing and/or Reconsideration was denied.
Commissioner Boyle will write a dissent.

TRANSPORTATION DEPARTMENT (Cont.)

B-1558 In the Matter of MAVM Ventures LLC, dba A & B Shuttle, Supp. 2 Omaha, seeking authority as an open class carrier to provide transportation services in sedans over irregular routes between points in Douglas, Sarpy and Lancaster Counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes: Commissioner Landis moved to reconsider the application. It died for lack of a second. Commissioner Landis moved to deny the Motion for Rehearing and/or Reconsideration and Commissioner Vap seconded the motion. Commissioners Lowell Johnson, Rod Johnson, Landis and Vap voted aye and Commissioner Boyle voted nay. The motion passed and the Motion for Rehearing and/or Reconsideration was denied. Commissioner Boyle will write a dissent.

B-1578 In the Matter of Carlos E. Ortega, Schuyler, seeking authority as a common carrier of passengers by taxicab between points in Colfax County and between points in Colfax County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. The use of sedans only is authorized: Upon agreement of all Commissioners, an Order to Show Cause was entered and a hearing scheduled for May 12, 2003, at 11:00 a.m. CDT in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

B-1581 In the Matter of Servant Cab, LLC, dba Yellow Cab Company and Capital Cab Company, Lincoln, seeking an interpretation of its authority: Commissioner Landis moved to deny the Motion for Rehearing and Commissioner Vap seconded the motion. Commissioners Lowell Johnson, Rod Johnson, Landis and Vap voted aye and Commissioner Boyle voted nay. The motion passed and the Motion for Rehearing was denied. Commissioner Boyle will write a dissent.

B-1583 In the Matter of Quality Transportation Service, Inc., Lincoln, seeking authority as a common carrier in open class service of prearranged transportation of passengers preschool through Junior High between points in Lancaster County over irregular routes: Upon agreement of all Commissioners, an Order to Show Cause was entered and a hearing scheduled for May 12, 2003, at 11:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

B-1590 In the Matter of Alford Oil Company, dba VIP Limousine, Supp. 2 Omaha, seeking to acquire, through transfer, the authority granted to VIP Specialists, Lincoln, in Certificate B-1563: Upon agreement of all Commissioners, the application was granted and Certificate B-1563 revoked.

B-1594 In the Matter of A-1 Ambassador Limousine, Inc., dba A-1 Special Services, Lincoln, seeking authority as a common carrier of passengers in open class service between all points in Nebraska over irregular routes. To include the transportation of clients of the Nebraska Department of Health and Human Services.

TRANSPORTATION DEPARTMENT (Cont.)

B-1594 RESTRICTION: The transportation of railroad train crews (Cont.) and their baggage is not authorized: Commissioner Landis moved to deny the Motion for Rehearing and/or Reconsideration and Commissioner Lowell Johnson seconded the motion. Commissioners Lowell Johnson, Rod Johnson, Landis and Vap voted aye and Commissioner Boyle voted nay. The motion passed and the Motion for Rehearing and/or Reconsideration was denied. Commissioner Boyle will write a dissent.

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 Health and Human Services and subcontractors thereof is not authorized: The video hearing previously scheduled for April 21, 2003, was continued to May 8, 2003, at 1:30 p.m. CDT in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha; and College Park, Conference Room C, 3180 West Highway 34, Grand Island. Commissioner Boyle will preside as Hearing Officer.

B-1612 In the Matter of Thomas J. Wyman, dba American Eagle Express, Omaha, seeking authority as a common carrier of passengers by van between points in Douglas and Sarpy counties and between points in said counties on the one hand, and, on the other hand, points within a 60-mile radius of Douglas and Sarpy counties over irregular routes: The video hearing previously set for April 3, 2003, was continued to June 26, 2003, at 10:00 a.m. in the Commission Library, Lincoln: Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam on the Mall, Omaha; Public Library, Second 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.

B-1593 In the Matter of Francoise Antoine, dba Bon Samaritan Transport, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers between points in Lancaster County by van 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 scheduled for May 15, 2003, at 10:00 a.m. CDT in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

B-1615 In the Matter of Need A Lift Transportation, Omaha, seeking authority as a common carrier of passengers in open class service by van between points in Cass, Douglas, Sarpy and Washington counties over irregular routes. 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: A hearing was set for a date later to be determined. Commissioner Boyle will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

Ray Lineweber addressed the Commission regarding the United Transportation Union letter regarding use of one-man crews on helper locomotives.

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 decreased to 18 cents per mile and the taxi surcharge was decreased to 25 cents per trip.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners, authorization was granted for Kara Thielen to attend the National Emergency Number Association Conference to be held in Denver, Colorado, from June 15-19, 2003.

Upon agreement of all Commissioners, authorization was granted for Gene Hand to attend the National Management Association Training Seminar to be held Albuquerque, New Mexico, from April 24-26, 2003, with a portion of the expenses to be paid by the Public Service Commission.

Attention was called to the following proceeding:

Monday, April 7:

C-2780 Commission Hearing Room, Lincoln.
1:30 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.

The meeting adjourned at 3:38 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on April 8, 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 April 7, 2003.

Chair

Executive Director