

Chair Boyle called the regularly scheduled meeting to order at 10:04 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published April 22, 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 April 29, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

GENERAL ADMINISTRATION

Attention was called to the following proceedings:

Tuesday, April 29, 2003:

B-1613 Video Hearing. Commission Library, Lincoln, and Kearney
1:00 Public Library, 2020 First Avenue, Kearney. Rick Holloway,
 dba Taxi Specialties of Lexington, Lexington, seeking
 authority as a common carrier in Nebraska intrastate com-
 merce in the transportation of passengers by taxicab be-
 tween points in Lexington and between points in Lexington
 and points in Nebraska. To include the clients of the
 Nebraska Department of Health and Human Services. RESTRIC-
 TION: The transportation of railroad train crews and their
 baggage is not authorized. Commissioner Vap chairing.

Thursday, May 8, 2003:

9:30 First Call EAS Ceremony, Bertrand

B-1591 Video Hearing. Commission Library, Lincoln; Nebraska State
1:30 Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha;
 and College Park, Conference Room C, 3180 West Highway 34,
 Grand Island. WW Service, Inc., Yutan, seeking authority as
 a contract carrier of passengers for the Department of
 Defense in Nebraska intrastate commerce in open class ser-
 vice by sedan and van between points in Nebraska over irre-
 gular routes. RESTRICTION: The transportation of railroad
 train crews and their baggage is not authorized. The trans-
 portation of Health and Human Services or subcontractors
 thereof is not authorized. Commissioner Boyle chairing.

Monday, May 12, 2003:

GW-2154 Commission Hearing Room, Lincoln.
10:30 Pride Grain LLC, Long Pine, seeking special rates for
 commercial storage. Commissioner Vap chairing.

GENERAL ADMINISTRATION (Cont.)

Monday, May 12, 2003 (Cont.):

B-1578 Commission Hearing Room, Lincoln.
11:00 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. Commissioner Rod Johnson chairing.

B-1583 Commission Hearing Room, Lincoln.
11:30 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. Commissioner Landis chairing.

COMMUNICATIONS DEPARTMENT

AD-296 In the Matter of Above & Beyond Cleaning Services, Inc., Omaha, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners, the application was granted.

C-2738/ In the Matter of the Commission, on its own motion, seeking
PI-58 to conduct an investigation into rates, terms and conditions for wireless terminating traffic: Upon agreement of all Commissioners, the motion for extension of time filed on behalf of Nebraska Independent Telephone Association was granted in part.

C-2897 In the Matter of KDD America, Inc., New York, New York, seeking to change its name to KDDI America, Inc.: Upon agreement of all Commissioners, the application was granted.

C-2901 In the Matter of Qwest Corporation, Denver, Colorado, and IAMO Wireless, Coin, Iowa, seeking approval of Type 2 Wireless Interconnection Agreement: Upon agreement of all Commissioners, the Agreement was approved.

C-2902 In the Matter of Houlton Enterprises, d/b/a Guaranteed Phone Service, Omaha, seeking to amend Certificate C-1782 and C-1963 to offer facility based services and to expand its Certificate of Public Convenience and Necessity to include the entire state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2899 In the Matter of Miko Telephone Communications, Inc., Birmingham, Alabama, seeking authority to operate as an inter-exchange carrier of telecommunications services within the State of Nebraska: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2903 In the Matter of TeleUno, Inc., Pompano Beach, Florida, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2905 In the Matter of Epixtar Communications Corp. Miami, Florida, seeking authority to operate as a resale carrier of intrastate telecommunications services within the State of Nebraska: Upon agreement of all Commissioners, the application was granted.

Gene Hand discussed a news release received from Qwest regarding expanded availability of digital subscriber line (DSL) service throughout the 14-state Qwest region.

Gene Hand discussed a news release received from HunTel.net informing the Commission that broadband Internet service is now available in Walthill.

UNIVERSAL SERVICE FUND

NUSF-2 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Lifeline Program: Upon agreement of all Commissioners, an order was entered changing the name of the Lifeline/Link-Up program to the Nebraska Telephone Assistance Program or NTAP.

NUSF-7.01 In the Matter of Henderson Cooperative Telephone Company, d/b/a Mainstay Communications, Henderson, seeking a waiver for additional Nebraska Universal Service Funding: Upon agreement of all Commissioners, an order was entered correcting Henderson's 2002 reported investment.

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 granting the motion to admit a non-resident attorney into this proceeding.

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, the date for remitting the penalties assessed in this docket was changed from May 1, 2003, to May 15, 2003.

UNIVERSAL SERVICE FUND DEPARTMENT (Cont.)

NUSF-35 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 providing Lifeline/Link-up services and Telehealth services to rural hospitals: Upon agreement of all Commissioners, all findings and conclusions in this order are adopted and all carriers holding a local exchange or interexchange carrier certificate should be given NETC status for the purpose of providing support and service to rural health care providers.

E911 DEPARTMENT

PSAP-014.1 In the Matter of Howard County PSAP, St. Paul, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

PSAP-020.1 In the Matter of Furnas County PSAP, Beaver City, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

LEGISLATIVE REPORT

Andy Pollock reported on the advancement of LB 735.

HOUSING DEPARTMENT

Mark Luttich reported on the manufactured home installation issue.

TRANSPORTATION DEPARTMENT

B-1441 In the Matter of R & F Hobbies, Inc., dba Prince of The Road, Ravenna, seeking Commission approval to waive the age qualification for driving a motor vehicle: Upon agreement of all Commissioners, approval was granted and the rule waived.

B-1583 In the Matter of Quality Transportation Service, Inc., Lincoln: Upon agreement of all Commissioners, the show cause was dismissed, the hearing set for May 12, 2003, was cancelled, and the authority revoked.

TRANSPORTATION DEPARTMENT (Cont.)

B-1595 In the Matter of Marshanette Booker & Sons, dba Safe Transportation Services (S.S.T.S.), Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Douglas County and between points in Douglas County and points in Nebraska including the transportation of clients for the Department of Health and Human Services and subcontractors there. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, an Order to Show Cause was entered and a hearing scheduled for June 3, 2003, at 9:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

B-1600 In the Matter of Y Turner's Unlimited, Inc., Omaha, seeking authority as a common carrier in open class service by van 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 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, the application was denied.

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: Upon agreement of all Commissioners, the application was dismissed. The hearing previously scheduled for April 24, 2003, was cancelled.

B-1604 In the Matter of Berta Guadron, dba Lexington Taxi Service, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce by taxicab between points in Dawson County 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 scheduled for April 30, 2003, was cancelled. Upon agreement of all Commissioners, the application was dismissed.

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.

TRANSPORTATION DEPARTMENT (Cont.)

B-1605 RESTRICTION: The transportation of railroad train crews and (Cont.) their baggage is not authorized: Upon agreement of all Commissioners, the application was dismissed.

B-1617 In the Matter of Spencer M. Fentress, dba Fairbury Taxi, Fairbury, seeking to acquire, through transfer, the authority granted to Murvel LeRoy Fentress and Spencer M. Fentress, a partnership, dba Fairbury Taxi, in Certificate B-1499 and to extend its operation between points in Jefferson County and between points in Jefferson County and points in Nebraska over irregular routes. All trips to originate or terminate in Jefferson County: A hearing was set for July 16, 2003, at 10:00 a.m. in the City Council Chambers, City Hall, 612 D Street, Fairbury. Commissioner Rod Johnson will preside as Hearing Officer.

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 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: An oral argument was set for June 17, 2003, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

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 retained at 16 cents per mile and the taxi surcharge was retained at 20 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Communications	\$ 3,168.39
DAS - Transportation Services Bureau	673.85
Holiday Inn	1,474.00
NENA	465.00
T.O. Haas Tire	261.96
T.O. Haas Tire	301.80
Rod Johnson	684.83

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Carl A Johnson	2,978.20
K-D Communciations	3,530.70
McCook Pharmacy & Medical Supply	4,357.27
R & J Enterprises	3,498.38

GENERAL ADMINISTRATION (Cont.)

The following documents were approved and posted between April 14-23, 2003, without prior approval of the Commission because of processing problems with NIS computer system:

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Approved and Posted April 14, 2003:

ADCO Hearing Products	\$ 340.30
Associate Hearing Health Care	1,409.03
Grand Island Hearing Aid	1,382.54
Hearing Aid Specialists Inc	835.00
Carl A. Johnson	1,086.55
Professional Hearing Aid Service	298.00

Approved and Posted April 15, 2003:

Aksarben TDD Service	1,657.35
Fontel Inc	318.85
Harris Communications	2,798.10
Johnson Hearing Aid Service Inc	1,694.61
K-D Communications	2,030.15
R & J Enterprises	2,205.50
Sherard Hearing Aid Center	2,022.98

Approved and Posted April 23, 2003:

ADCO Hearing Products Inc	229.40
Associated Hearing Health Care	544.45
Audiology Services and Hearing Aid	189.90
Aksarben TDD Service	1,404.15
Grand Island Hearing	1,103.76
Harris Communications	1,305.80
Hearing Clinic Inc	1,455.00
League of Human Dignity	254.95
Professional Hearing Aid Service	1,490.00
R & J Enterprises	180.70
Sherard Hearing Aid Center	539.50

Upon agreement of all Commissioners, authorization was granted for John Fecht to travel to Washington, DC, from April 30 to May 1, 2003, to attend a meeting of the grain warehouse industry comprised of state, federal and private individuals to write a standard for the US Grain Merchandising Act.

Upon agreement of all Commissioners, authorization was granted for Brenda Wicken to pay Commission invoices from April 29 to May 12, 2003.

Upon agreement of all Commissioners, authorization was granted for John Fecht to grant all grain warehouse applications that meet statutory requirements from April 29 to May 12, 2003.

The Commission discussed budget items.

GENERAL ADMINISTRATION (Cont.)

Commissioner Vap moved that the Commission go into closed session to discuss personnel issues and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 10:58 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 11:04 a.m.

Upon agreement of all Commissioners, the employment of a Communications Department employee was upgraded from probationary to permanent status.

Upon agreement of all Commissioners, authorization was granted to hire Denise Feese on a part-time, temporary basis while Lisa Polivka is on medical leave through June 30, 2003.

The meeting adjourned at 11:06 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on May 13, 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 May 12, 2003.

Chair

Executive Director