

Chair Boyle called the regularly scheduled meeting to order at 10:07 a.m. with Commissioners Boyle, Lowell Johnson, and Landis present in the Commission Hearing Room, Lincoln, Commissioner Vap present telephonically and Commissioner Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published June 10, 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 June 17, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, June 17, 2003:

B-1597 Commission Hearing Room, Lincoln. Oral Argument
1:00 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. Commissioner Boyle chairing.

Wednesday, June 18, 2003, and Thursday, June 19, 2003:

NUSF-26 Commission Hearing Room, Lincoln.
PO #4 The Commission, on its own motion, seeking to establish a
9:00 long-term universal service funding mechanism.

Tuesday, June 24, 2003:

9:00 Commission Hearing Room, Lincoln. Gas Workshop

1:30 Commission Hearing Room, Lincoln. Commissioner Vap chairing.

GD-2773 John A. Fecht, Director, Warehouse Department, Complainant,
GDC-380 Lincoln, vs. Roberts Seed, Inc., Axtell, Defendant

GD-2841 John A. Fecht, Director, Warehouse Department, Complainant,
GDC-382 Lincoln, vs. Ag Navigator, LLC, Bertrand, Defendant

GW-181 John A. Fecht, Director, Warehouse Department, Complainant,
GWC-383 Lincoln, vs. Lisco Elevator Incorporated, Lisco, Defendant.

COMMUNICATIONS DEPARTMENT

FC-1302 In the Matter of Airwave Wireless Communications, Inc.,
Scottsbluff, vs. Qwest Communications, Inc., Omaha, alleg-
ing failure to honor an interconnection agreement: Upon agreement of
all Commissioners present, the formal complaint was dismissed as
satisfied. The hearing set for a date later to be determined was
cancelled.

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:
Upon agreement of all Commissioners present, the formal complaint was
dismissed as satisfied. The hearing set for a date later to be
determined was cancelled.

C-1830 In the Matter of US West Communications, Inc., Denver,
Colorado, seeking authority to file its notice of intention
to file Section 271(c) application with the FCC and request for the
Commission to verify US West compliance with Section 271(c): Upon
agreement of all Commissioners present, Chair Boyle will sign the
Memorandum of Understanding with Qwest that provides for paying the
Long Term PID facilitator.

C-2057/ In the Matter of the Commission, on its own motion, seeking
PI-28 to conduct an investigation into the potential exhaust of
assignable telephone numbers within the 402 area code:
Gene Hand informed the Commission that the new forecast for the 402
area code shows an exhaust date of 1st quarter 2005. There are 101
codes remaining unassigned and seven codes have been assigned this
year. The staff was directed to seek further information and report
at a future meeting.

C-2846 In the Matter of the Petition from residents of the Cres-
ton exchange, served by Qwest Corporation, requesting
extended area service (EAS) to the Columbus exchange, served by
Citizens Telecommunications Company of Nebraska: Upon agreement of
all Commissioners present, the request from Citizens for a waiver of
requirement to survey and ballot Columbus customers was granted.

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking
contract carrier permit authority: Upon agreement of all
Commissioners present, an order was entered setting a pre-hearing
conference for July 14, 2003, at 1:30 p.m. CDT in the Commission
Library, Lincoln, with the Hearing Officer to be determined.

C-2925 In the Matter of Petition for Declaratory Ruling of Lincoln
Electric System, Lincoln, seeking a determination that
Title 291, Chapter 5, Telecommunications Rules and Regulations, Sec-
tions 001, 002 and 003, as amended and enacted March 31, 2003, govern-
ing telecommunications contract carriers, shall not be applied retro-
actively to the application of Lincoln Electric System for Contract
Carrier Permit Authority (Application C-2910) filed March 27, 2003:

COMMUNICATIONS DEPARTMENT (Cont.)

C-2925 Upon agreement of all Commissioners present, Pre-hearing (Cont.) Conference Order was entered to set an Oral Argument for August 5, 2003, at 1:30 p.m. CDT in the Commission Hearing Room, Lincoln.

C-2942 In the Matter of Keystone-Arthur Telecommunications Company, Inc., Keystone, seeking authority to borrow from the United States of America, through the Rural Utility Service: Upon agreement of all Commissioners present, the application was granted.

C-2948 In the Matter of NXLD Company, d/b/a Nextel Long Distance, Reston, Virginia, seeking authority to relinquish its authorization to provide resold long distance telecommunications services in the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2950 In the Matter of Advanced Tel, Inc., d/b/a ATI, Trabuco Canyon, California, seeking authority to operate as a resale carrier of intrastate interexchange telecommunication services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2945 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to a wireline interconnection agreement with Cox Nebraska Telcom, Inc., Atlanta, Georgia: Upon agreement of all Commissioners present, the amendment was approved.

C-2947 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to a wireline interconnection agreement with Sprint Communications L.P., Overland Park, Kansas, previously approved in Application C-2328: Upon agreement of all Commissioners present, the amendment was approved.

C-2919 In the Matter of Allo Communications, L.L.C., Imperial, seeking designation as an eligible telecommunications carrier that may receive universal service support: A hearing was set for August 12, 2003, at 1:30 p.m. CDT in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as Hearing Officer.

C-2932 In the Matter of NPCR, Inc., d/b/a Nextel Partners, Eden Prairie, Minnesota, seeking designation as an eligible telecommunications carrier that may receive universal service support: A hearing was set for a date later to be determined. Commissioner Boyle will preside as Hearing Officer.

Gene Hand discussed the Wireless Carrier appeal for review of an order of the Federal Communications Commission (FCC) requiring implementation of local number portability, which was denied by the United States Court of Appeals for the District of Columbia Circuit.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission of a Federal Communications Commission Consumer alert regarding "call splashing."

Gene Hand provided the Commission with a copy of June 5, 2003 letter to Nebraska Congressmen from Governor Johanns, wherein the Governor supports H.R. 1582, recently introduced by Congressman Lee Terry.

Gene Hand discussed the Collaborative Aggregation Partnership progress and that the Division of Communications has issued an intent to award the contract to ALLTEL.

Gene Hand provided a course description on the Voice over Internet Protocol (VoIP) training that the Division of Communications is hosting July 9-10, 2003.

Engineering Division

E-2001 In the Matter of Nebraska Public Power District, Columbus,
E-2006 seeking authority to construct, operate and maintain elec-
 tric transmission lines in Gage, Lancaster and Scotts Bluff
Counties: Upon agreement of all Commissioners present, the applica-
 tions were granted.

E-2005 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 present, the application was granted.

UNIVERSAL SERVICE FUND

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: An order was
entered dismissing the complaint against Nextel Partners. The hearing
scheduled for a date later to be determined was cancelled. Motion
made by Commissioner Lowell Johnson, seconded by Commissioner Frank
Landis. Motion Passed with Commissioners Anne Boyle, Lowell Johnson,
Frank Landis voting AYE, Commissioner Jerry Vap Present Not Voting,
Commissioner Rod Johnson Absent Not Voting.

Jeff Pursley reported to the Commission that ALLTEL has
requested an extension to file their Data Request: Approved w/o
objection.

NATURAL GAS AND WATER DEPARTMENT

Andy Pollock provided an update on the progress in implementing LB 790.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

- GW-1871 Corn at Hergert Grain, Inc., Scottsbluff
- GW-2103 Oats at Husker Coop, Columbus
- GW-2141 Soybeans at Pender Grain, Inc., Pender

John Fecht discussed the time line for working on the new grain warehouse rules and regulations created by the passage of LB735.

GW-2043 In the Matter of B & R Grain, Inc., Grand Island, seeking cancellation of its Public Grain Warehouse License: Application was granted effective June 4, 2003.

GW-2043 In the Matter of Travelers Casualty and Surety Company of America seeking cancellation of its Continuous Public Grain Warehouse Bond No. 1063645697 in the amount of \$66,500.00, issued on behalf of B & R Grain, Inc., Grand Island: Application was granted effective June 12, 2003.

Grain Dealer Division

GD-2799 In the Matter of Travelers Casualty and Surety Company of America seeking cancellation of its Continuous Public Grain Warehouse Bond No. 64S101016734 in the amount of \$35,000.00, issued on behalf of Commodity Marketing Company, Alpharetta, GA: Application was granted effective April 25, 2003.

TRANSPORTATION DEPARTMENT

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

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - IM Services	\$ 327.31
DAS - Materiel - Office Supplies	268.31
DAS - Materiel - Postage	439.87
The Daily Record	540.50
Hamilton	84,171.88
Marina Inn	395.00
Postmaster - Annual Post Office Box Rental	824.00
John A. Herron	340.05
Andy Pollock	177.92
Lowell Johnson	580.76

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	2,884.10
Associated Hearing Health Care	1,150.20
Associated Hearing Health Care	286.96
Audiology Service and Hearing Aid Center PC	536.90
Grand Island Hearing Aid Center Inc	1,112.56
Harris Communications	851.35
Hearing Aid Specialists, Inc	835.00
Hearing Clinic Inc	630.00
Carl A. Johnson	585.45
Carl A. Johnson	594.25
Johnson Hearing Aid Service Inc.	415.96
K-D Communications	1,962.70
League of Human Dignity	369.90
League of Human Dignity	928.90
McCook Pharmacy & Medical Supply	917.58
McCook Pharmacy & Medical Supply	363.88
Professional Hearing-Aid Services	2,698.00
Professional Hearing-Aid Services	875.00
R and J Enterprises	1,676.61
Sherard Hearing Aid Center	384.00

Upon agreement of all Commissioners present, authorization was granted for John Fecht to travel to Washington, DC, on June 24-25, 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 present, authorization was granted to purchase a pool vehicle.

Upon agreement of all Commissioners present, Commission meeting dates were set as follows:

July 1 (9:00 AM), 8, 15, and 22 (9:00 AM). No meeting July 29.
August 5, 12, 19 and 26, 2003
September 3 (Wednesday), 9, 16, and 23, 2003. No meeting September 30.

GENERAL ADMINISTRATION (Cont.)

The Commission discussed budget matters.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel issues and Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:33 a.m.

Commissioner Landis 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 11:43 a.m.

Upon agreement of all Commissioners present, the Commission voted to eliminate the currently unfilled grain warehouse examiner position.

Upon agreement of all Commissioners present, the Commission voted to re-open the Motive Power and Equipment Inspector position.

The meeting adjourned at 11:50 a.m. with Commissioners Boyle, Lowell Johnson, and Landis present in the Commission Hearing Room, Lincoln, Commissioner Vap present telephonically and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on June 25, 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 June 24, 2003.

Chair

Executive Director