

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

GENERAL ADMINISTRATION

Notice was duly published June 17, 2003, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 25, 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:

Thursday, June 26, 2003:

B-1612 Video Hearing. Commission Library, Lincoln; Nebraska State
10:00 Office Building, Room 207, Second Floor, 1313 Farnam, Omaha;
Public Library, Second Floor, 517 West 4th Street, Hastings;
and Von Riesen Library, Room 6, Basement level, 1205 East
3rd Street, McCook. Thomas J. Wyman, dba American Eagle
Shuttle Express, Omaha, seeking authority as a common
carrier in Nebraska intrastate commerce in open class
service in the transportation of passengers 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.
RESTRICTION: The transportation of railroad train crews and
their baggage is not authorized. Commissioner Boyle
chairing.

COMMUNICATIONS DEPARTMENT

C-2033 In the Matter of Zenex Long Distance, Inc., certain share-
holders of Zenex Long Distance, Inc., and Prestige Invest-
ments, Inc., both of Oklahoma City, Oklahoma, seeking approval of a
stock purchase agreement and related transactions: Gene Hand informed
the Commission that notice was received June 16, 2003, from United
States Bankruptcy Court of commencement of the case under Chapter 7 of
the Bankruptcy Code, appointing a trustee, meeting of creditors, and
fixing of dates.

C-2648 In the Matter of the Petition of Nebraska Technology &
Telecommunications, Inc., seeking arbitration of the
interconnection rates, terms and conditions with Aliant Communications
Co., dba ALLTEL: Upon agreement of all Commissioners present, the
agreement submitted by ALLTEL was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2846 In the Matter of the Petition from residents of the Creston 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 proposed ballot and customer survey were approved.

C-2920 In the Matter of the Commission, on its own motion, seeking PI-72 to investigate interconnection options and procedures between Incumbent Local Exchange Carriers (ILECs) and Commercial Mobile Radio Service (CMRS) carriers: Chris Post discussed the status, including the motion to close the docket.

C-2941 In the Matter of CAT Communications International, Inc., Roanoke, Virginia, seeking authority for a Certificate of Public Convenience and Necessity to provide local and interstate telecommunications service within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2949 In the Matter of Covista, Inc., Chattanooga, Tennessee, seeking authority to expand its authority to also operate as a reseller and facilities-based common carrier of local exchange telecommunications service: Upon agreement of all Commissioners present, the application was granted.

C-2951 In the Matter of Cozad Telephone Company, Cozad, 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-2954 In the Matter of Blair Telephone Company, Blair, seeking approval of Commercial Mobile Radio Services (CMRS) interconnection agreement with Cellco Partnership, d/b/a Verizon Wireless: Upon agreement of all Commissioners present, the agreement was approved.

C-2956 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of arbitrated interconnection agreement, pursuant to Application C-2780, with Level 3 Communications, L.L.C., Broomfield, Colorado: Upon agreement of all Commissioners present, the application was withdrawn at applicant's request.

C-2969/ In the Matter of the Nebraska Public Service Commission, DC-63 Communications Department, seeking an order to cease and desist operations and to revoke the Certificates of Public Convenience and Necessity issued to the named defendants: Upon agreement of all Commissioners present, an order was entered opening the docket.

COMMUNICATIONS DEPARTMENT (Cont.)

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: The hearing previously set for a date later to be determined was re-scheduled for July 17, 2003, at 10:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

SC-004 In the Matter of Maurice Gene Hand, Director, Communications Department, Nebraska Public Service Commission, vs. Lightyear Communications, Respondent: The hearing previously set for June 25, 2003, continued to July 17, 2003, at 9:00 a.m. CDT in the Commission Hearing Room, Lincoln.

Gene Hand discussed an "expedited petition for rulemaking" filed by several wireless providers with the Federal Communications Commission (FCC), asking for re-examination to determine if the FCC has the authority to impose Local Number Portability (LNP).

Gene Hand discussed Verizon's press release, wherein they have indicated that the company will implement LNP as directed by the FCC and will not add a customer charge for the capability.

CC-99-200 Gene Hand informed the Commission that the FCC released the
CC-95-116 4th Numbering Resource Optimization Order June 18, 2003. A
CC-96-98 summary of the FCC's order, by issue, was distributed.

Gene Hand discussed a notice regarding the Supreme Court considering the right of localities to offer telecommunications service.

Gene Hand discussed the newly assessed AT&T "regulatory assessment fee" of \$0.99 per month found in their interstate tariff.

Gene Hand provided a detailed course description of Voice Over IP training hosted by the Division of Communications. Upon agreement of all Commissioners present, two staff members were authorized to attend.

Engineering Department

E-1999 In the Matter of Niobrara Valley Electric Membership Corporation, O'Neill, seeking authority to construct, operate and maintain an electric transmission line in Holt County: Upon agreement of all Commissioners present, the application was granted.

E-2000 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

Jeff Pursley reported on Late-Filed Carrier Remittance Worksheets. The Commission approved late fees be assessed against ten companies.

E911 DEPARTMENT

PSAP-009.1 In the Matter of Chase County PSAP, Imperial, seeking approval of supplementary funding for costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-021.1 In the Matter of Holt and Boyd Counties PSAP, O'Neill, seeking approval of supplementary funding for costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-024.1 In the Matter of Holdrege/Phelps Counties, seeking funding approval for additional costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

WSP-003.2 In the Matter of Sprint PCS, Overland Park, Kansas, seeking approval of a request for funding of enhanced wireless 911 service: Upon agreement of all Commissioners present, the application was granted.

Kara Thielen discussed or presented an updated status of the following items:

T-Mobile Status, Nextel Status and Pinpoint Status

Overview of National Emergency Number Association (NENA) Conference.

Advisory Board Meeting held June 4-5, 2003, in South Sioux City.

Review of Phase I.

Review of Phase II Request For Proposals.

Review of Phase I Costs.

Review of Phase II preliminary costs.

NATURAL GAS AND WATER DEPARTMENT

Andy Pollock reported on development of the program.

NATURAL GAS AND WATER DEPARTMENT (Cont.)

P-0006 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Nebraska Revised Statute section 57-1306: Laura Davenport updated the Commission on the status of the docket. A hearing was scheduled for August 14, 2003, at 9:00 a.m. in the Sarpy County Courthouse, County Board Room, 1210 Goldengate Drive, Papillion.

GRAIN WAREHOUSE DEPARTMENT

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 8, Grain Warehouse and Grain #158 Dealer Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 735 [2003]: An order was entered setting a workshop on Wednesday, July 23, 2003, at 9:00 a.m. in the Commission Hearing Room, Lincoln, for discussion on the proposed rules.

GW-181 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, vs. Lisco Elevator Incorporated, Lisco, GWC-383 Defendant: Commissioner Vap moved to dismiss the complaint as satisfied and Commissioner Rod Johnson seconded the motion. Commissioners Boyle, Rod Johnson and Vap voted aye, Commissioner Landis was present, not voting, and Commissioner Lowell Johnson was absent, not voting. The motion passed and the complaint was dismissed as satisfied. The hearing scheduled for June 24, 2003, was cancelled.

Grain Dealer Division

GD-2773 In the Matter of John A. Fecht, Director, Warehouse GDC-380 Department, Complainant, vs. Roberts Seed, Inc., Axtell, Defendant: Commissioner Vap moved to dismiss the complaint as satisfied and Commissioner Rod Johnson seconded the motion. Commissioners Boyle, Rod Johnson and Vap voted aye, Commissioner Landis was present, not voting, and Commissioner Lowell Johnson was absent, not voting. The motion passed and the complaint was dismissed as satisfied. The hearing scheduled for June 24, 2003, was cancelled.

GD-2841 In the Matter of John A. Fecht, Director, Warehouse GDC-382 Department, Complainant, vs. Ag Navigator, LLC, Bertrand, Defendant: Commissioner Vap moved to dismiss the complaint as satisfied and Commissioner Rod Johnson seconded the motion. Commissioners Boyle, Rod Johnson and Vap voted aye, Commissioner Landis was present, not voting, and Commissioner Lowell Johnson was absent, not voting. The motion passed and the complaint was dismissed as satisfied. The hearing scheduled for June 24, 2003, was cancelled.

TRANSPORTATION DEPARTMENT

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: Upon agreement of all Commissioners present, the application was granted as amended.

B-1626 In the Matter of Richard J. Behrends, dba C R Limousine, Broken Bow, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by limousine between points in Custer County and between points in Custer County on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, the application was granted.

B-1629 In the Matter of Winzetta M. Perry, dba Perry's Transportation, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in open class service by vans over irregular routes between points in Douglas and Sarpy counties under continuing contract with the Department of Health and Human Services. 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 dismissed without prejudice.

B-1631 In the Matter of Margaret M. Pesek, dba Day's Run, Omaha, seeking authority as a common carrier of passengers in Nebraska intrastate commerce in special party class service by van over irregular routes between points in Nebraska. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, the application was dismissed.

B-1628 In the Matter of OMALINK, Inc., Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce by van of passengers and their baggage over regular routes between Lincoln and Omaha over Interstate Highway I-80 serving facilities immediately adjacent to all intermediate points. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A hearing was set for July 14, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1591 In the Matter of WW Service, Inc., Yutan, seeking authority as a contract carrier in open class service for the transportation of passengers for the Department of Defense between points in Nebraska over irregular routes: The video hearing previously set for June 16, 2003, was continued to August 13, 2003, at 10:00 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha. Commissioner Boyle will preside as Hearing Officer.

Commissioner Rod Johnson left the Commission Hearing Room.

Rate Division

MR-1009/ In the Matter of the Commission, on its own motion, seeking
PI-70 to initiate an investigation on range uniformity in the Official Uniformity in the Official Intracity Household Goods Tariff 22 and to develop procedures for efficiently processing household goods mover tariff amendments: Upon agreement of all Commissioners present, a Findings and Conclusions order was entered.

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

GENERAL ADMINISTRATION

DAS - Communications	\$ 3,059.28
DAS - Materiel - Postage	485.24
DAS - Transportation Services Bureau	535.30
Larry Fauss	725.00
Lustre-Cal	2,370.00
Kara Thielen	1,228.86
Anne Boyle	388.80
Gerald Vap	169.20

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	503.80
Hearing Aid Specialists Inc.	835.00
Carl A. Johnson	1,220.00
League of Human Disnity	1,328.75
McCook Pharmacy & Medical Supply	\$ 442.89
Professional Hearing Aid Services	1,198.00
Sherard Hearing Aid Center	128.50
Teltex	449.80

Commissioner Rod Johnson entered the Commission Hearing Room.

GENERAL ADMINISTRATION (Cont.)

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

Commissioner Vap moved to authorize an upgrade to the AS 400 computer system from CICS to RISK box and Commissioner Boyle seconded the motion. Commissioners Boyle, Rod Johnson and Vap voted aye, Commissioner Landis voted nay and Commissioner Lowell Johnson was absent, not voting. The motion passed and the AS 400 computer system will be upgraded from CICS to RISK box.

Upon agreement of all Commissioners present, authorization was granted for Commissioners Boyle, Lowell Johnson and Landis to attend the National Association of Regulatory Utility Commissioners (NARUC) summer conference to be held in Denver, Colorado, from July 26-31, 2003.

Upon agreement of all Commissioners, the contract of Dr. David Rosenbaum was renewed.

The Commission discussed budget matters.

Commissioner Vap moved that the Commission go into closed session to discuss personnel issues and Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners present, the Commission went into closed session at 11:48 a.m.

Commissioner Landis left the Commission Hearing Room.

Commissioner Vap moved that the Commission return to open session and Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners present, the Commission returned to open session at 12:12 p.m.

Upon agreement of all Commissioners present, authorization was granted to open a temporary position in the NUSF to assist with NTAP applications and contact chair of the Appropriations Committee and Governor's budget office about a deficit request for spending authority.

Upon agreement of all Commissioners present, the budget was modified to address cuts made by the Legislature.

Upon agreement of all Commissioners present, authorization was granted to give a 1.5% COLA to employees grades 9 and below and 0.8% COLA to employees grades 10 and above effective July 1, 2003.

The meeting adjourned at 12:18 p.m. with Commissioners Boyle, Rod Johnson, and Vap present and Commissioners Lowell Johnson and Landis absent. The next regularly scheduled meeting will be held on July 1, 2003, at 9:00 a.m. with an agenda to be available in the office of the Executive Director at 9:00 a.m. on June 30, 2003.

Chair

Executive Director