

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

GENERAL ADMINISTRATION

Notice was duly published August 5, 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 August 12, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, August 12, 2003:

C-2919/ Commission Hearing Room, Lincoln.
NUSF Allo Communications, L.L.C., Imperial, seeking designation
1:30 as an eligible telecommunications carrier that may receive
universal service support. Commissioner Vap chairing.

COMMUNICATIONS DEPARTMENT

C-2955 In the Matter of Lightyear Communications, Inc., Louis-
ville, Kentucky, seeking authority to provide resold and
facilities-based local exchange service within the state of Nebraska:
Upon agreement of all Commissioners present, an order was entered
granting the request to withdraw the application.

C-2981 In the Matter of ITC^DeltaCom, Inc. and ITC^DeltaCom Com-
munications, Inc., d/b/a ITC^DeltaCom, Huntsville, Alabama,
seeking authority to transfer control to Welsh, Carson, Anderson &
Stowe VIII, L.P., WCAS Capital Partners III, L.P., and WCAS Informa-
tion Partners, L.P., New York, New York: Upon agreement of all Com-
missioners present, the application was granted.

C-2744/ In the Matter of the Nebraska Public Service Commission,
DC-61 Communications Department, seeking an order to cease and
C-2586 desist operations and to revoke the Certificates of Public
C-2470 Convenience and Necessity issued to the named defendants;
In the Matter of Covista Communications, Inc., Little
Falls, New Jersey, and Capsule Communications, Inc., Bensalem, Penn-
sylvania, seeking authority to transfer control of Capsule Communica-
tions, Inc. pursuant to an agreement and plan of merger; and In the
Matter of Capsule Communications, Inc., Bensalem, Pennsylvania, seek-
ing authority to transfer control to Startec Global Communications
Corporation: Upon agreement of all Commissioners present, the staff
was directed to send a letter to Capsule acknowledging payment of the
outstanding fine.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2978 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, seeking approval of the adoption of an interconnection agreement previously approved in Application C-2641, for use as a master resale agreement with Mobius Communications Company, Hemingford: Upon agreement of all Commissioners present, the agreement was approved.

C-2980 In the Matter of HunTel CableVision, d/b/a HunTel Communications, Blair, seeking approval of a negotiated interconnection agreement with NebCom, Inc., Jackson: Upon agreement of all Commissioners present, the agreement was approved.

Gene Hand discussed recent Qwest press releases including Qwest and Sony Pictures Digital Networks come together to provide Qwest digital subscriber line (DSL) customers with complimentary first-of-it's kind online entertainment and gaming packages; Elkhorn, Waterloo and Lexington residents can now receive Qwest high-speed DSL; and Qwest and Sprint to offer Qwest customers nationwide wireless voice and data services.

Engineering Department

E-2009 In the Matter of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County: Upon agreement of all Commissioners present, the application was granted.

E-2010 In the Matter of Nebraska Public Power District, Columbus,
E-2011 seeking authority to construct, operate and maintain electric transmission lines in Frontier, Chase and Hayes Counties: Upon agreement of all Commissioners present, the applications were granted.

E-2012 In the Matter of Norris Public Power District, Beatrice,
E-2013 seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Upon agreement of all Commissioners present, the applications were granted.

UNIVERSAL SERVICE FUND

NUSF-33 In the Matter of the Commission, on its own motion, seeking
PO #2 to investigate the audit requirements related to the
Nebraska Universal Service Fund: Upon agreement of all
Commissioners, Progression Order No. 2 was entered seeking comments on tentative findings and conclusions due September 12, 2003.

Jeff Pursley reported on late-filed carrier remittances and requested to impose late fees. The request was approved with no objection.

NATURAL GAS AND WATER DEPARTMENT

NG-0001 In the Matter of Aquila, Inc., d/b/a Aquila Networks
NG-0002 (Aquila), Omaha, seeking a general rate increase for
NG-0003 Aquila's Rate Area One, Rate Area Two and Rate Area Three:
Laura Demman discussed Aquila's answer in opposition to
Metropolitan Utility District (M.U.D.) petition to intervene filed by
M.U.D. in Aquila Rate Area 1 rate case.

Laura Demman discussed development of a plan of action to address the impact of increasing natural gas prices on Nebraska consumers.

A briefing presented by GDS Associates, Inc. consultant, Ellen Blumenthal, chosen to assist the Commission in gas rate cases, was scheduled for August 14, 2003, at 9:00 a.m. in the Department of Banking and Finance Conference Room, Lincoln.

Pipeline Division

P-0006 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. § 57-1306: Upon stipulation for continuance and amendment of procedural schedule filed on behalf of both parties, received August 7, 2003, the hearing previously set for August 14, 2003, was continued to a date later to be determined.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

GW-244 Wheat at Ely's, Incorporated, Guide Rock
GW-462 Corn, soybeans, and oats at Firth Cooperative Company, Firth
GW-1823 Wheat and soybeans at Farmers Union Cooperative Association, Cedar Bluffs
GW-2135 Oats at Wilhelm Grain, Inc., Humboldt
GW-2136 Corn at Pierce Elevator, Inc., Pierce

GW-1930 In the Matter of Mueller Grain, Inc., Emerson, seeking a \$25,000.00 deductible on their insurance coverage: Upon agreement of all Commissioners present, the application was granted.

GW-2119 In the Matter of M. G. Waldbaum Co., Wayne, seeking a \$250,000 deductible on their insurance coverage: Upon agreement of all Commissioners present, the application was granted.

John Fecht discussed the Emergency Storage Plan for the 2003 fall harvest: Upon agreement of all Commissioners present, the plan was approved.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-252 In the Matter of Union Insurance Company seeking cancellation of its Continuous Grain Dealer Bond No. 11 77 84 in the amount of \$35,000.00, issued on behalf of Earl Grippin dba Earl Grippin Trucking, Brush, Colorado: Application was granted effective August 10, 2003.

HOUSING DEPARTMENT

Mark Luttich discussed the letter to HUD regarding the HUD set-up inspection proposal.

TRANSPORTATION DEPARTMENT

B-1543 In the Matter of James Santana, dba Lexington Taxi Cab, Lexington: Upon agreement of all Commissioners present, an order was entered dismissing the show cause and revoking the Certificate.

B-1590 In the Matter of Alford Oil Company, dba VIP Limousine, Omaha, seeking authority as a common carrier of passengers by charter bus between 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 as amended.

B-1595 In the Matter of Marshanette Booker & Sons, dba Safe Senior Transportation Services (S.S.T.S.), Omaha seeking authority as a common carrier of passengers by van in open class service between points in Douglas County and between points in Douglas County and points in Nebraska over irregular routes: To include the transportation of Health and Human Services clients and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Commissioner Landis moved to dismiss the show cause. The motion failed for lack of a second. Commissioner Vap moved to continue the show cause and schedule a hearing for a date later to be determined. Commissioner Landis seconded the motion. Commissioners Landis and Vap voted aye, Commissioners Boyle and Lowell Johnson voted nay and Commissioner Rod Johnson was absent, not voting. The motion resulted in a tie and failed to pass. Commissioner Vap moved to sustain the show cause and Commissioner Boyle seconded the motion. Commissioners Boyle, Lowell Johnson and Vap voted aye, Commissioner Landis voted nay and Commissioner Rod Johnson was absent, not voting. The motion passed and the Order to Show Cause was sustained.

TRANSPORTATION DEPARTMENT (Cont.)

B-1608 In the Matter of Donald A. Cowette, dba Run About, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service by van between points in Lancaster County over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, the Order to Show Cause was entered.

B-1610 In the Matter of J.M. Wolfies, Inc., North Platte, seeking authority as a common carrier of passengers by taxicab between points in North Platte and between points in North Platte and points in Nebraska over irregular routes. To include the transportation of Health and Human Services clients and their subcontractors thereof. 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-1628 In the Matter of OMALINK, Inc., Lincoln, seeking authority as a common carrier of passengers in open class service over regular routes by van, between Lincoln and Omaha over Interstate Highway I-80 serving facilities immediately adjacent to all intermediate exits as intermediate points. 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.

Rate Division

BR-285 In the Matter of Prime Consultants, Inc., dba Goodwill Medical Transportation, Inc., Omaha, seeking authority to amend its van rates and to establish weekend and after 5:00 p.m. rates for its use: Upon agreement of all Commissioners, the application was granted.

MR-1012 In the Matter of National Motor Freight Traffic Association, Inc., Alexandria, Virginia, agent for and on behalf of participating carriers, seeking authority to place in effect on Nebraska intrastate traffic the provisions of Supplement 5 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners present, the application as granted.

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

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Materiel - Office Supplies	\$ 438.10
DAS - State Accounting	3,427.00
DAS - State Accounting	7,644.00
Ted Burkey	1,447.50
Commercial Computer Systems, Inc.	1,350.00
Data Source Media	358.97
Hamilton Telecommunications	77,131.19
Executive Travel	739.50
Robert Bowman	636.54
Fred Massing	429.24
Kent Pribyl	469.28
Jeff Pursley	1,866.76
Gerald Vap	866.16

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

Upon agreement of all Commissioners present, authorization was granted for Mark Luttich to attend the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) Annual Conference to be held from October 19-22, 2003, in Portland, Oregon, with 50% of expenses being paid from each of the Manufactured Home and Modular Housing Unit Programs.

Upon agreement of all Commissioners present, authorization was granted for Robert Bowman to travel to Smith Center, Kansas, on August 14, 2003, to perform a recreational vehicle factory inspection of Peterson Industries, Inc. with all expenses, including time, to be reimbursed to the Commission by Peterson Industries, Inc.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Lowell Johnson to attend the TRS Council Meeting to be held in Albuquerque, New Mexico, from September 3-5, 2003, with most expenses to be paid by the National Exchange Carrier Association (NECA).

Upon agreement of all Commissioners present, authorization was granted for Commissioner Frank Landis to attend the 6th Annual Natural Gas Workshop to be held in Albuquerque, New Mexico, from September 13-17, 2003.

A plan to track Commissioner's expenses was discussed and approved.

Commissioner Vap moved that the Commission go into closed session to discuss personnel issues and Commissioner Landis seconded the motion. Upon agreement of all Commissioners present, the Commission went into closed session at 11:24 a.m.

GENERAL ADMINISTRATION (Cont.)

Commissioner Vap moved that the Commission return to open session and Commissioner Landis seconded the motion. Upon agreement of all Commissioners present, the Commission returned to open session at 11:39 a.m.

The meeting adjourned at 11:40 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on August 19, 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 August 18, 2003.

Chair

Executive Director