

Vice Chairman Vap called the regularly scheduled meeting to order at 10:09 a.m. with Commissioners Lowell Johnson, Rod Johnson, and Vap present and Commissioners Boyle and Landis excused.

#### GENERAL ADMINISTRATION

Notice was duly published September 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 September 16, 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:

#### Monday, September 22, 2003:

P-0006      Sarpy County Courthouse, County Boardroom, 1210 Goldengate,  
9:00          Papillion. Aquila, Inc., Omaha, seeking resolution of a  
                dispute under Neb. Rev. Stat. § 57-1306. Commissioner  
                Landis chairing.

Vice Chairman Vap introduced Miles Halcomb as the first Director of the new Gas Department.

#### COMMUNICATIONS DEPARTMENT

C-2874/      In the Matter of the Commission, on its own motion, seeking  
PI-71          to investigate the current status of distance learning in  
                Nebraska: Upon agreement of all Commissioners present, a  
letter to Michael Beach, Chair of the Synchronous Video Network Work  
Group was approved.

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 to suspend the September  
23, 2003, deadline for discovery. An oral argument on the Motion for  
Extension of Time for Commencement of Procedural Order No. 1 was set  
for September 23, 2003, at 1:30 p.m. in the Commission Hearing Room,  
Lincoln.

C-2997      In the Matter of Univance Telecommunications, Inc., Engle-  
                wood, Colorado, seeking authority to transfer assets,  
including its entire customer base, to Motion Telecom, Inc., Engle-  
wood, Colorado: Upon agreement of all Commissioners present, the  
application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2998 In the Matter of ExOp of Missouri, Inc., d/b/a Unite, Kansas City, Missouri, seeking authority to transfer local exchange service, exchange access service and intrastate interexchange service authorities granted in Application C-2741 to D2R2, Inc., Kearney, Missouri: Upon agreement of all Commissioners present, the application was granted.

C-3002 In the Matter of Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks, Bluffdale, Utah, seeking approval of proposed customer base transfer to Glyphics Communications, Inc., Draper, Utah: Upon agreement of all Commissioners present, the application was granted.

C-2986 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of a negotiated interconnection agreement and negotiated Amendment Number One to the Agreement for Directory Assistance List Information with LSSi Corp., Lumberton, New Jersey: Upon agreement of all Commissioners present, the agreement and amendment were approved.

C-2999 In the Matter of Qwest Communications, Denver, Colorado, and HunTel CableVision, d/b/a HunTel Communications, Blair, seeking approval of an amendment to a wireline interconnection agreement previously approved in Application C-2921: Upon agreement of all Commissioners present, the amendment was approved.

C-3000 In the Matter of Qwest Communications, Denver, Colorado, and MCImetro Access Transmission Services, Denver, Colorado, seeking approval of a collocation available inventory amendment to the interconnection agreement previously approved in Application C-2257: Upon agreement of all Commissioners present, the amendment was approved.

C-3001 In the Matter of Qwest Communications, Denver, Colorado, and Cox Nebraska Telcom, L.L.C., Omaha, seeking approval of a collocation available inventory amendment to the interconnection agreement previously approved in Application C-1473: Upon approval of all Commissioners present, the amendment was approved.

Gene Hand informed the Commission that final review of the 2003 Telecommunications Annual Report to the Legislature should be completed this week.

Gene Hand reported that the Federal Communications Commission is initiating a review of total element long run incremental cost (TELRIC) methodology through a rulemaking.

Gene Hand discussed a news article that announcing Nebraska Wireless has sold its wireless operations to Northeast Colorado Cellular Inc. The new company will be known as Viaero.  
COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed a press release announcing that several national wireless carriers are voluntarily agreeing to a set of consumer guidelines. A copy of ALLTEL's Consumer Code was provided to the Commission.

Gene Hand discussed a Qwest press release announcing Sidney residents can receive high-speed digital subscriber line (DSL) service.

#### UNIVERSAL SERVICE FUND

Jeff Pursley reported that there were no new Late-Filed Carrier Remittances since last week.

Commissioner Vap presented Dick Fleming with a Resolution commending his service on the Nebraska Universal Service Fund Advisory Board.

Jeff Pursley reported on the progress of the Nebraska Telephone Assistance Program (NTAP) and HHS mailing this past week as being a high response. Approximately 200 applications were received in one day with a total of 300 being received for the week.

Jeff Pursley reported that comments were filed in NUSF-33 on Friday, September 12<sup>th</sup>.

Jeff Pursley reported that the NUSF-26 Telehealth Workshop is scheduled for September 17<sup>th</sup> and gave a brief summary of the aim of the meeting. The NUSF earnings forms, in particular, the calculation of earnings based individual company data and whether interconnection revenue should be included on the earnings form. The Commission approved Mr. Pursley's continuation of the exploration of these issues without objection.

Jeff Pursley reported that the Western Governors' Association's (WGA) Resolution supporting Representative Terry's bill had been unanimously passed by the WGA.

#### E911 DEPARTMENT

Nextel Wireless Implementation status: Kara Thielen informed the Commission on the status of implementing phase I with the deactivated phones.

Upon agreement of all Commissioners present, the Commission

approved a letter to the Governor's office regarding the nomination of Kara Thielen to serve as the State's designated Federal Communications Commission E911 contact.

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:  
Upon agreement of all Commissioners present, an assessment  
order was entered.

NG-0008 In the Matter of Metropolitan Utilities District, Omaha,  
seeking authority for a Competitive Natural Gas Provider  
Certificate in the state of Nebraska: Laura Demman provided an update  
on protests and interventions filed in this application.

NG-0011/ In the Matter of the Commission, on its own motion, seeking  
PI-74 to conduct an investigation for the purpose of monitoring  
NorthWestern Energy's financial condition and ability to  
continue providing adequate and reliable service to its customers:  
Upon agreement of all Commissioners present, the staff was directed to  
issue data requests.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

GW-1946 Soybeans at Dixon Elevator Co., Dixon:  
GW-2089 Corn and soybeans at Winside Grain & Feed, Inc., Winside:  
GW-2147 Soybeans at Lorensen Lumber and Grain, LLC, Pender

In the Matter of Schedule A Rates and Charges: An Order  
approving the rates was entered.

In the Matter of Schedule E Rates and Charges: An Order  
approving the rates was entered.

TRANSPORTATION DEPARTMENT

B-1498 In the Matter of Running Horse Enterprises, LLC, seeking a  
suspension of the Certificate of Public Convenience and  
Necessity issued in Application B-1498 until March 11, 2004: Upon  
agreement of all Commissioners present, the application was granted  
and Certificate B-1498 suspended until March 11, 2004.

B-1608 In the Matter of Donald A. Cowette, dba Run About, Lincoln:  
Upon agreement of all Commissioners present, the Order to  
Show Cause was sustained and the application was dismissed.

TRANSPORTATION DEPARTMENT (Cont.)

B-1609 In the Matter of Judy Mohler, dba Cruising with Care, Hastings, seeking authority as a common carrier of passengers in open class service between points within a 100-mile radius of Hastings by van and PT Cruiser 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: The video hearing previously set for August 20, 2003, was continued to October 23, 2003, at 9:00 a.m. in the Commission Library, Lincoln; and City Council Chambers, City Hall, 220 North Hastings Avenue, Hastings. Commissioner Rod Johnson 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 reduced to 16 cents per mile and the taxi surcharge was retained at 30 cents per trip

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - IM Services	\$ 303.27
DAS - Materiel	829.87
The Daily Record	413.70
Dell Marketing L.P.	1,953.76
Hamilton Telecommunications	79,249.24
Kelly Services	577.50
Robert Bowman	811.58
Fred Massing	648.88
Mark Masterton	335.39
Kent Pribyl	509.04
Steve Stovall	405.32
Rod Johnson	419.25

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

A.G.N. Sales	300.30
Aksarben TDD Service	2,023.60
Audiology Services & HAC, P.C.	399.80
Associated Hearing Health Care	433.70
Fontel, Inc	480.30
K-D Communications	2,392.75
League of Human Dignity	491.75
Carl A. Johnson	2,724.45
Johnson Hearing Aid Service Inc.	128.63

Professional Hearing Aid Services	3,793.70
R and J Enterprises	601.35
Sherard's Hearing Aid Center	253.00
Teltex	1,718.75
GENERAL ADMINISTRATION (Cont.)	

Upon agreement of all Commissioners present, authorization was granted for Laura Demman to travel to Washington, DC to attend the Federal Communication Commission's Wireless Enhanced E911 Coordination Initiative on October 29-30, 2003.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Rod Johnson to attend the Mid-America Cable Association Annual Conference to be held in Kansas City, Missouri, from October 5-8, 2003.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel and litigation issues and Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners present, the Commission went into closed session at 11:00 a.m.

Commissioner Lowell Johnson 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 11:11 a.m.

Upon agreement of all Commissioners present, authorization was granted to open the position for the Natural Gas Secretary II position.

\*\*\*\*\*

The meeting adjourned at 11:15 a.m. with Commissioners Lowell Johnson, Rod Johnson and Vap present and Commissioners Boyle and Landis excused. The next regularly scheduled meeting will be held on September 23, 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 September 22, 2003.

---

Vice Chair

---

Executive Director