

Chair Boyle called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published September 30, 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 October 7, 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, October 7, 2003:

C-2995 Commission Hearing Room, Lincoln. Planning Conference
1:30 Qwest Communications Corporation, Denver, Colorado, seeking authority to operate as a competitive local exchange carrier of telecommunications services within the state of Nebraska. Commissioner Boyle chairing.

Tuesday, October 14, 2003:

B-1514 Commission Hearing Room, Lincoln.
1:30 All Nations Church of The Lord Jesus Christ, dba All Nations Specialized Transport & Travel Service, Lincoln. Commissioner Landis chairing.

COMMUNICATIONS DEPARTMENT

Don Gray provided a report on telecommunications complaints received by the Communications Department during the preceding month.

C-2483/
PI-43 In the Matter of the Commission, on its own motion, seeking to re-examine its retail quality of service standards for all local exchange carriers operating within the state of Nebraska: Don Gray provided the Commission with copies of the August 2003 ALLTEL Monthly Service Quality Report filed on September 30, 2003. The staff reviewed ALLTEL's results relative to consumer complaints.

FC-1298 In the Matter of A.B.I. Universal Messaging Center, Fremont, vs. Qwest Corporation, alleging unacceptable service (call forwarding): Upon agreement of all Commissioners present, the Formal Complaint was dismissed.

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 granting the Motion for Extension of Time for Commencement of Procedural Order No. 1.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3005 In the Matter of the Petition from residents of Rushville exchange requesting extended area service (EAS) to Hay Springs exchange, both served by Great Plains Communications, Blair: Gene Hand informed the Commission that the usage study results failed to meet the community of interest test in the rules. Upon agreement of all Commissioners present, an order was entered to dismiss the application.

C-3006 In the Matter of the Petition from residents of Hay Springs exchange requesting extended area service (EAS) to Rushville exchange, both served by Great Plains Communications, Blair: Gene Hand informed the Commission that the usage study results failed to meet the community of interest test in the rules. Upon agreement of all Commissioners present, an order was entered to dismiss the application.

C-3009 In the Matter of T-NETIX Internet Services, Inc., Dallas Texas, seeking authority to withdraw the certificate of authority granted in Application C-2391: Upon agreement of all Commissioners present, the application was granted.

C-3010 In the Matter of Viva Telecom, LLC, Salt Lake City, Utah, seeking authority to withdraw authority previously granted in Application C-2585: Upon agreement of all Commissioners present, the application was granted.

C-3011 In the Matter of Access One, Inc., Chicago, Illinois, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-3013 In the Matter of Broadwing Communication Services, Inc., Austin, Texas, seeking to cancel its authority: Upon agreement of all Commissioners present, the application was granted.

C-3025 In the Matter of the Commission, on its own motion, seeking to conduct a 90-day proceeding as contemplated by the Federal Communications Commission in its Triennial Review order adopting new rules for network unbundling obligations: Upon agreement of all Commissioners present, an order was entered opening the docket.

C-3026 In the Matter of the Commission, on its own motion, seeking to conduct a 9-month proceeding as contemplated by the Federal Communications Commission in its Triennial Review order adopting new rules for network unbundling obligations: Upon agreement of all Commissioners present, an order was entered opening the docket and setting a planning conference for October 23, 2003, at 2:00 p.m. in the Commission Hearing Room, Lincoln. A teleconference bridge will be available by calling 402-472-6292.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that a letter was forwarded to the Federal Communications Commission regarding the wireless number portability mandate.

Gene Hand presented an update of topics covered at the Nebraska Information Technology Commission (NITC) meeting held on September 20, 2003.

Gene Hand discussed the current status of the federal "Do not call" registry.

Gene Hand informed the Commission that the 2003 Telecommunications Annual Report was submitted to the Legislature electronically on September 24, 2003, and the report can be viewed on the Commission web site.

Engineering Division

E-2019 In the Matter of Norris Public Power District, Beatrice,
E-2021 seeking authority to construct, operate and maintain elec-
 tric transmission lines in Lancaster County: Upon agree-
 ment of all Commissioners present, the applications were granted.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Remittances. The Commission approved the proposed late fee of \$50.00 to be levied against Virgin Mobile, Budget Phone, and Go Solo and issuing complaints against Americatel and Global Tel*Link without objection.

Jeff Pursley informed the Commission that a meeting of the NUSF Advisory Board was scheduled for October 9, 2003 at 2:30 p.m. in the Commission Library, Lincoln.

Jeff Pursley reported on a letter received from Steve Seglin on behalf of Verizon Wireless. Mr. Seglin requested that Verizon be exempt from the required 18-month audit due on December 31, 2003 for the time period of July 1, 2002 through December 30, 2002. Verizon has already completed and submitted their 2002 audit, and this would otherwise be an undue hardship to add the six-month period of July 1, 2002 through December 30, 2002. The Commission approved Mr. Seglin's request without objection.

Jeff Pursley reported on a letter received from CCH, Incorporated regarding VOIP (Voice Over Internet Protocol) and whether these services should be charged the NUSF surcharge.

UNIVERSAL SERVICE FUND DEPARTMENT (Cont.)

Jeff Pursley requested that Legislative Workshops be scheduled for October 24, 2003 at 10:00 a.m. and 2:00 p.m in the Commission Hearing Room, Lincoln, to discuss how NUSF payments are calculated, the purpose for which the payments are made, and what procedures the Commission employs to ensure that funds are used for their intended purpose. The Commission approved the scheduling of the workshops without objection.

E911 DEPARTMENT

911-02 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Upon agreement of all Commissioners present, an order was entered retaining the current surcharge.

PSAP- 003.01.A In the Matter of Sarpy County PSAP, Papillion, seeking supplementary funding approval for non-recurring costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-029 In the Matter of Saline County, Wilber, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

Kara Thielen presented the Commission with an overview of Inter-tandem trunking.

Kara Thielen provided an update of Phase I Implementation.

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 acknowledgment for receipt of the Valley Board of Supervisors request for close scrutiny was approved.

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:
Miles Halcomb provided an update on the status.

NATURAL GAS AND WATER DEPARTMENT (Cont.)

Miles Halcomb informed the Commission that a tariff, which will become effective after 30 days, was filed by NorthWestern Energy to become effective November 1, 2003, to comply with the fuel retention provisions of Paragraph 7 of the Gas Transportation Tariff and to also propose a change of the annual filing date from October 1 to November 1 to coincide with Purchase Gas Adjustment filings.

RULES AND REGULATIONS

Rule and Regulation #157 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Pipeline Common Carriers Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]: An order was entered issuing revised proposed rules. A hearing was set for October 21, 2003, at 2:00 p.m. in the Commission Hearing Room, Lincoln.
LEGISLATIVE REPORT

Andy Pollock reported on a meeting held with Senator Beutler's staff.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

- GW-2026 Corn at Reiss Farms, Inc., Wilcox
GW-2113 Milo, soybeans, and oats at Aurora Cooperative Elevator Company, Aurora
GW-2159 Corn at J & R Grain, Inc., Meadow Grove
GW-5 In the Matter of St. Paul Fire & Marine Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 400HM5951 in the amount of \$338,200.00, issued on behalf of Thelen Grain Company, Wood River: The application was granted effective September 30, 2003.
GW-1711 In the Matter of B & G Corp, Upland, seeking cancellation of its Public Grain Warehouse License: The application was granted effective September 18, 2003.
GW-1921 In the Matter of Capitol Indemnity Corporation seeking cancellation of its Continuous Public Grain Warehouse Bond No. 738339 in the amount of \$25,000.00, issued on behalf of Mackey Elevator, Inc., Omaha: The application was granted effective September 21, 2003.
GW-2067 In the Matter of Security Grain Company, Inc., Stromsburg, seeking cancellation of its Public Grain Warehouse License: Upon agreement of all Commissioners present, the application was granted effective September 29, 2003.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2154 In the Matter of Pride Grain LLC, Long Pine, seeking special rates and charges: Upon agreement of all Commissioners present, an Order was entered granting the rates.

Grain Dealer Division

The following applicants were granted a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2003:

		<u>SECURITY</u>
GD-17	Farmers Cooperative Association, Eustis	\$ 35,000
GD-87	Northeast Cooperative, Wakefield	300,000
GD-91	Clark Grain Company, Johnson	35,000
GD-153	Farmers Cooperative Company, Waverly	252,000
GD-265	Diller Grain Co., Inc. dba Searcey Grain Co., Diller	\$300,000
GD-267	Greenwood Farmers Cooperative dba Midwest Farmers Cooperative, Elmwood	300,000
GD-349	Shickley Grain Company, Shickley	35,000
GD-384	Bauer Elevator, Inc., Sholes	35,000
GD-445	Farmers Union Cooperative Co., Spencer	35,000
GD-462	Firth Cooperative Company, Firth	35,000
GD-471	Farmers Union Cooperative Company, Friend	222,000
GD-589	Midland Co-op, Funk	69,000
GD-682	Farmers Cooperative Elevator Association Big Springs	35,000
GD-731	Farmers Cooperative Grain Company, Merna	300,000
GD-852	Spalding Cooperative Elevator Company dba Country Partners Cooperative, Spalding	35,000
GD-1036	Farmers Co-op Association, Lindsay	300,000
GD-1743	Farmers/Ranchers Cooperative Association of Ainsworth, Ainsworth	79,000
GD-1777	Belden Grain & Feed, Inc., Belden	35,000
GD-1823	Farmers Union Cooperative Association of Cedar Bluffs, Nebraska, Cedar Bluffs	92,000
GD-1883	Salem Grain Co., Inc., Salem	35,000
GD-1897	Jirdon Agri Chemicals, Inc., Morrill	35,000
GD-1999	Kassik Milling Company, Inc., Milligan	35,000
GD-2089	Winside Grain & Feed, Inc., Winside	35,000
GD-2103	Husker Coop, Columbus	300,000
GD-2113	Aurora Cooperative Elevator Company, Aurora	261,000
GD-2117	James Balke dba Dawson Ag Center, Dawson	59,000
GD-2125	Straussville Grain, Inc., Straussville	41,000
GD-2126	Chris Schrader dba CST Grain, Benkeleman	35,000
GD-2154	Pride Grain LLC, Long Pine	35,000
GD-2160	United Farmers Cooperative, Shelby	300,000
GD-2163	Edgar Grain Company, Edgar	37,000
GD-2866	Southeast Nebraska Cooperative Co., Beatrice	300,000
GD-2868	Farmers Cooperative Elevator Company, Hemingford	149,000

TRANSPORTATION DEPARTMENT

B-1395 In the Matter of Karibu Enterprises, Inc., dba RT Round Trip Transport, Omaha, seeking dismissal of the suspension of the Certificate of Public Convenience and Necessity issued in Application B-1395: Upon agreement of all Commissioners present, the suspension was dismissed and B-1395 reinstated.

Commissioner Landis left the Commission Hearing Room.

B-1548 In the Matter of Omaha Limousine, LLC, Omaha, seeking to Supp. 2 extend its authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers by limousine by van in Douglas, Sarpy, Washington, and Lancaster counties over irregular routes. RESTRICTIONS: The governmentally financed transportation of clients of the Nebraska Department of Health and Human Services and/or clients of private contractors of the Nebraska Department of Health and Human Services, and/or persons in the custody of the Nebraska Department of Corrections and/or students on behalf of schools by van is not authorized: The video hearing previously set for October 9, 2003, was continued to a date later to be determined.

Rate Division

BR-287 In the Matter of Laidlaw Transit, Inc., Omaha, seeking authority to amend its charter bus rates: Upon agreement of all Commissioners present, the application was granted.

BR-289 In the Matter of Transport Plus, Inc., Lincoln, seeking authority to amend its transportation rates through an average increase of 5%: Upon agreement of all Commissioners present, the application was granted.

BR-290 In the Matter of OMALINK, Inc., Lincoln, seeking authority to establish regular route and charter bus rates for its use: Upon agreement of all Commissioners present, the application was 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 retained at 16 cents per mile and the taxi surcharge at 25 cents per trip.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners present, the following invoices were approved:

DAS - Communications	\$ 2,852.48
Ag - Express Electronics	2,945.00
Ted Burkey	515.00

GENERAL ADMINISTRATION DEPARTMENT (Cont.)

Larry Fauss	\$ 800.00
Hamilton Telecommunications	74,354.77
Kelly Services, Inc.	700.00
Kelly Services, Inc.	700.00
Rod Johnson	627.02
Gerald Vap	676.80

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	\$ 1,168.70
Associated Hearing Health Care	849.00
Audiology Services & HAC, PC	369.85
Harris Communications	1,210.45
McCook Pharmacy & Medical Supplies	396.90
Carl A. Johnson	2,061.30
Hearing Aid Specialists, Inc	458.00
Professional Hearing Aid Services	3,516.70
R and J Enterprises	205.70
Sherard Hearing Aid Center	301.50
Teltex	1,451.87

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

Upon agreement of all Commissioners present, authorization was granted for Tim Sandusky to travel to Jackson Hole, Wyoming to attend the Western Governor's Association (WGA) Technical Advisory Group from October 14-17, 2003, with all expenses to be reimbursed to the Commission by the WGA.

Upon agreement of all Commissioners present, authorization was granted to purchase one Dickey-John 2100 grain moisture meter and surplus three Motomco 919A's, one Motomco 919, three Burrows 700's, one Steinlite SB 900, one Steinlite RCT, one Sinar 6310 and one Dickey-John Tri-Grain. Those items to be surplus have become obsolete and are no longer used in our laboratory.

Upon agreement of all Commissioners present, authorization was granted to surplus the following inventory items:

- 0235 Chair, Yellow & Black Steel Frame Padded
- 0238 Chair, Black and Gray Leather
- 0275 Chair, Yellow Padded with Metal Frame
- 0311 Chair, Green Leather
- 0312 Chair, Green Leather
- 0828 Chair, Green Swivel, Chrome with Casters
- 1306 Chair, Tuf Chair with Gray Arms
- Chair, Green Swivel, Chrome with Casters
- Wooden Desk

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted to purchase the following office furniture:

- Desk and hutch for Steve Rowell
- Desk and chair for Miles Halcomb.
- Chair for Kara Thielen

Commissioner Landis returned to the Commission Hearing Room.

The Commission discussed budget matters.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel and litigation issues and Commissioner Vap seconded the motion. Upon agreement of all Commissioners present, the Commission went into closed session at 11:30.

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 11:35 a.m.

Commissioner Vap moved to approve offering of the Motive Power and Equipment position to James Hames and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners present, the motion was approved.

The meeting adjourned at 11:35 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 October 15, 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 October 14, 2003.

Chair

Executive Director