

Chairman Vap 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 April 20, 2004, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 27, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, April 28, 2004:

FC-1316 Commission Hearing Room, Lincoln.
9:00 Nebraska Technology Operations Center, d/b/a Kearney.net, Kearney, vs. Citizens/Frontier Communications, Kearney, alleging a billing error. Commissioner Vap chairing.

COMMUNICATIONS DEPARTMENT

FC-1308 In the Matter of Tracy Corporation II, d/b/a Telemetrix Technologies, Gering, versus United Telephone of the West, d/b/a Sprint, Overland Park, Kansas, alleging a dispute of services offered under their interconnection agreement: Gene Hand informed the Commission that the parties have advised staff that they were close to an agreement in the matter and sought an additional 30 days to complete negotiations.

C-2734 In the Matter of the Commission, Communications Department,
DC-38 seeking an order to cease and desist operations for Access One, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order dismissing the complaint without prejudice: Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3095 In the Matter of Qwest Corporation, Denver, Colorado, seeking arbitration to resolve issues related to interconnection rates, terms, conditions and related arrangements with AT&T Communications of the Midwest, Inc. and TCG Omaha, Denver, Colorado: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter a protective order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3131 In the Matter of the Petition from residents of Sumner exchange requesting extended area service (EAS) to the Kearney exchange, both served by Citizens Telecommunications Company of Nebraska: Gene Hand reviewed the traffic study filed by Frontier and the notification of the company's willing-ness to move forward and price the EAS service. Upon agreement of all Commissioners present, Frontier will be notified to provide proposed rates on or before July 19, 2004.

C-3145 In the Matter of Southwestern Bell Communications Services, d/b/a SBC Long Distance, Pleasanton, California, seeking authority to operate and offer local exchange and exchange access telecommunications services throughout the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting the application due to the fact that the intervening parties had entered into a stipulation with the applicant. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting. The hearing previously set for May 10, 2004, was canceled.

C-3158 In the Matter of Zoom-I-Net Communications, Inc., Central Square, New York, seeking authority to operate as a resale interexchange carrier of telecommunications services within the state of Nebraska: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application: Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3159 In the Matter of Network Access Solutions Corporation, Herndon, Virginia, seeking to withdraw its Certificate of Public Convenience and Necessity to provide local exchange and emerging competitive telecommunications service, previously granted in Docket C-2181: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3160 In the Matter of iLOKA, Inc., d/b/a Microtech-tel, Greenwood Village, Colorado, seeking authority to withdraw their Certificate of Public Convenience and Necessity to provide resold and facilities-based local exchange and interexchange telecommunications services within the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3162 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of its Special Promotion Amendment for Available Inventory Collocation sites to interconnection agreement with Alltel Communications of the Midwest, Inc., f/k/a Aliant Midwest, Inc., d/b/a Alltel, previously granted in Application C-1530: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3163 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of its Collocation Available Inventory Amendment to interconnection agreement with Alltel Communications of the Midwest, Inc., f/k/a Aliant Midwest, Inc., d/b/a Alltel, previously granted in Application C-1530: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3164 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of its Qwest DSL (with discount) provided with UNE-P Amendment to the interconnection agreement with VarTec Telecom, Inc., Dallas, Texas, previously granted in Application C-2649: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3165 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Interconnection and Reciprocal Compensation Agreement with Clarks Telecommunications Company, Clarks: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3166 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Interconnection and Reciprocal Compensation Agreement with Hartington Telecommunications Company, Inc., Hartington: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3167 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Inter-connection and Reciprocal Compensation Agreement with Hershey Cooperative Telephone Company, Hershey: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3168 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Inter-connection and Reciprocal Compensation Agreement with Nebraska Central Telephone Company, Gibbon: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3169 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Inter-connection and Reciprocal Compensation Agreement with Northeast Nebraska Telephone Company, Jackson: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3170 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Inter-connection and Reciprocal Compensation Agreement with Stanton Telecom, Inc., Stanton: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3171 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Inter-connection and Reciprocal Compensation Agreement with Three River Telco, Lynch: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3172 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Qwest DSL (with discount) provided with UNE-P Amendment with Excel Telecommunications, Inc., Dallas, Texas, previously granted in Application C-2769: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3173 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its CLEC Maintenance of Common Area Splitter Collocation Amendment with DIECA Communications, Inc., d/b/a Covad Communications Company, Santa Clara, California, previously granted in Application C-2325: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

C-3174 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Wireless Interconnection and Reciprocal Compensation Agreement with K&M Telephone Company, Chambers: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

Gene Hand discussed the location in telephone directories of the notice to customers that if a carrier fails to satisfactorily resolve service and billing problems, the customer may refer the problem to the Public Service Commission.

Angela Melton informed the Commission that a Nebraska Internet Enhancement Fund Advisory Board meeting was scheduled for May 12, 2004, via video in the Commission Library, Lincoln; Alliance Learning Center, Room 123, 1750 Sweetwater Street, Alliance; McKinley Education Center, Room 1, 301 West F Street, North Platte; McMillen Hall, Room 208, 1205 East 3rd Street, McCook; and Western Northeast Community College, Room 122, 371 College Drive, Sidney.

Gene Hand presented a Regional Oversight Committee (ROC) report from the meeting held in Denver, Colorado, from April 17-19, 2004.

Gene Hand discussed the potential collaboration with other ROC states to audit the Qwest Performance Assurance Plan (QPAP). Upon agreement of all Commissioners pre-sent, the staff was directed to explore this option further and report on the progress.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission of the invitation to participate in an audio conference entitled "Solving the IP Telephony-911 Technical Puzzle" that will be hosted by Alltel at 1:00 p.m. CDT on April 27, 2004.

UNIVERSAL SERVICE FUND

NUSF-37.11 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund, Nebraska Public Service Commission, Complainant, vs. Virgin Mobile USA, LLC, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to dismiss the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Com-Commissioner Rod Johnson Absent Not Voting.

NUSF-37.26 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund, Nebraska Public Service Commission, Complainant, vs. Globalcom, Inc., Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to dismiss the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

NUSF-37.27 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund, Nebraska Public Service Commission, Complainant, vs. IDT America, Corporation, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to dismiss the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

NUSF-37.28 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund, Nebraska Public Service Commission, Complainant, vs. LDMI Telecommunications, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to dismiss the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Com-Commissioner Rod Johnson Absent Not Voting.

Jeff Pursley reported on Late-Filed Carrier Remittances. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle that the current complaint against Global Tel*Link Corporation (NUSF-37.10) be amended to include the late-filed March, 2004 worksheet, to open a new complaint against LDMI Telecommunications and to levy a late fee against Business Telecom, Inc., Custom Teleconnect, Inc. and Sagir, Inc. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported on the Nebraska Universal Service Fund (NUSF) Advisory Board Meeting held on April 22, 2004.

E911 DEPARTMENT

WSP-010.1 In the Matter of Pinpoint Wireless, Cambridge, seeking additional funding approval for recurring and non-recurring costs of Wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

911-10 In the Matter of the Commission, on its own motion, seeking to establish the policy regarding required quarterly sub-missions from Wireless Carriers: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting the extension of time. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

NATURAL GAS DEPARTMENT

FC-1317 In the Matter of Sheren Dev-Winters, Lincoln, vs. Aquila, Inc., d/b/a Aquila Networks, Omaha, alleging unjust and unreasonable treatment by Aquila: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

NG-0017 In the Matter of ONEOK Energy Marketing Company, Topeka, Kansas, seeking authority, and to include temporary authority, as a Competitive Natural Gas Provider in the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting Competitive Natural Gas Provider authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

NG-0021 In the Matter of BP Canada Energy Marketing Corp., Omaha, seeking authority as a Competitive Natural Gas Provider in the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting Competitive Natural Gas Provider authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

NATURAL GAS DEPARTMENT (Cont.)

NG-0022 In the Matter of the Commission, on its own motion, seeking to issue a waiver of the definition of "high-volume rate-payer" as that definition applies to particular customers, pursuant to Nebraska Legislative Bill 499, enacted April 15, 2004: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter an order granting the waiver. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

NG-0020/ In the Matter of the Commission, on its own motion, seeking
PI-80 to conduct a review related to a settlement agreement among the State of Nebraska, acting by and through the Governor's Policy Research Office; the Nebraska Public Service Commission; and Kinder Morgan, Inc., a Kansas corporation: Laura Demman advised the Commissioners that the settlement agreement was executed on April 23, 2004, which begins the 45-day verification period, to be completed on or before June 7, 2004.

Laura Demman discussed two recent news articles concerning Aquila and Kinder Morgan. The Aquila article pertained to a natural gas rate increase for Missouri customers and the Kinder Morgan article pertained to recent earnings reports.

RULES AND REGULATIONS

Andy Pollock reported on the status of the grain warehouse rules and regulations that are now at the Governor's office.

LEGISLATIVE REPORT

Andy Pollock gave a final report on legislation passed during the Unicameral's 2004 session.

GRAIN WAREHOUSE DEPARTMENT

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis to enter an order to grant a Grain Dealer License to the following applicant, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

SECURITY

GD-2874	Bartlett Grain Company, L.P., Kansas City, Missouri	\$300,000
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TRANSPORTATION DEPARTMENT (Cont.)

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-F: The fuel surcharge was retained at 22 cents per mile and the taxi surcharge at 35 cents per trip.

Andy Pollock reported on the Ticket-To-Work program.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to approve the following invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Absent Not Voting.

DAS - Communications	\$ 2,540.28
DAS - Materiel	699.11
Department of Corrections	743.83
Health and Human Services Finance & Support	1,579.55
Kelly Services	1,170.05
Kelly Services	1,232.00
Kelly Services	1,177.76
Gerald Vap	705.04

Upon agreement of all Commissioners, authorization was granted for Commissioner Anne Boyle to attend the National Cable and Telecommunications Association (NCTA) Conference to be held in New Orleans, Louisiana, from May 2-4, 2004, with all expenses to be paid by NCTA.

Upon agreement of all Commissioners, authorization was granted for Robert Bowman to travel to Clay Center, Kansas, on April 28, 2004, to perform a modular housing unit factor inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

The Commission discussed budget matters.

The meeting adjourned at 11:26 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 May 4, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 3, 2004.

Chairman

Executive Director