

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 October 12, 2004, 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 19, 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, October 20, 2004:

C-3201 Commission Hearing Room, Lincoln. In the Matter of Qwest
10:00 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.

Thursday, October 21, 2004:

NUSF Video Conference, Commission Library, Lincoln; Kearney
1:00 Public Library, 2020 1st Avenue, Kearney and McCook
 Community College, McMillen Hall, Room 208, McCook.
 NUSF Advisory Board meeting.

C-3256/
PI-87 Video Conference, Commission Library, Lincoln,
 Panhandle Learning Center, High Plains Room, 4502
3:00 CDT Avenue I, Scottsbluff; and Nebraska State Office
2:00 MDT Building, 1313 Farnam on the Mall, Room 207, Omaha.
 In the Matter of the Commission, on its own motion
 seeking comment on the request by United Way of the
 Midlands to be assigned the use of "211" in Scotts
 Bluff County for access to First Call for Help (FCFH),
 a comprehensive information and referral service.
 Commissioner Vap will preside as Hearing Officer.

Monday, October 25, 2004:

10:00 Video Conference, Commission Library, Lincoln; Columbus
 Public Library, Columbus Room, 2nd Floor, 2504 14th Street,
 Columbus; McCook Community College, McMillen Hall, Room
 208, 1205 East 3rd Street, McCook; Western Nebraska
 Community College, Room 122, 371 College Drive, Sidney;
 Panhandle Learning Center, High Plains Room, 4502 Avenue I,
 Scottsbluff; and Chadron State College, Student Center,
 Scottsbluff Room, 10th and Main, Chadron. Nebraska
 Internet Enhancement Fund Meeting. Call in number
 1-877-229-1563, Access Code 10250458.

COMMUNICATIONS DEPARTMENT

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: Gene Hand informed the Commission that Triennial Review Order Reply Comments will be filed and an electronic summary of the Commission's docket will be provided on CDs via first class mail within one week. Commissioner Boyle will preside as Hearing Officer.

C-3224 In the Matter of Acceris Communications Corp., San Diego, California, seeking authority to provide resold and facilities-based UNE-P local exchange telecommunications services in the State of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3262 In the Matter of ACC National Long Distance, Rochester, New York, seeking to withdraw its authority to operate as a resale carrier of intrastate interLATA and intraLATA telecommunications services within the State of Nebraska, previously granted in Application C-1123: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3233 In the Matter of the Petition of Chase 3000 Inc., Imperial; PI-84 Skybeam, Scottsbluff; McCookNet Internet Service, McCook; AxtellTech, Axtell; and Facspro Infotech Consulting, LLC, Brady, seeking a Commission Rulemaking: Gene Hand informed the Commission that an Appeal of Decision had been received from Chase 3000. Commissioner Vap will preside as Hearing Officer.

Don Gray updated the Commission on the status of Nebraska Numbering Resources. The Commission directed that staff prepare a letter to all Nebraska carriers, including registered wireless carriers, informing them of the Commission's position on conserving numbering resources in Nebraska. The letter should also include voluntary actions the Commission expects the carriers to take.

Commissioner Vap requested that a study be conducted to identify exchanges where rate center consolidation could be implemented to further conserve numbering resources. Input from carriers on rate center consolidation should also be obtained.

COMMUNICATIONS DEPARTMENT (Cont.)

Commissioner Boyle asked that information be gathered that would provide a comparison of the financial impact on consumers for each of these possible scenarios: (1) Implement an area code relief plan; (2) Upgrade switches and software to provide thousands-block pooling capability and (3) Change policies, procedures and operating system software to implement the rural incumbent local exchange carrier (ILEC) proposed thousands-block pooling methodology.

The Commission also directed staff to begin preparing a petition to the Federal Communications Commission requesting authority be delegated to order thousands-block number pooling in both the 308 and 402 area codes.

Gene Hand informed the Commission that the Federal Communications Commission (FCC) had loosened its rules with respect to sharing fiber-optic cable placed within 500 feet of a customer's house. Under the new rules, companies who place fiber will not have to share the network with competitors. The Commission was further advised that the FCC released new rules designed to push utility companies into investing in broadband technology, clearing the way for broadband-over-power line (BPL) services.

UNIVERSAL SERVICE FUND

NUSF-37.35 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. American Farm Bureau, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Jeff Pursley reported on the Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to amend the current complaint, NUSF-37.33 open against IDT America, Inc. of Newark, New Jersey, to include the late-filed worksheets of July and August. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

NATURAL GAS DEPARTMENT

A public workshop for Natural Gas 101 Seminar, presented by Ann O'Hara, was scheduled for November 30, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

RULES AND REGULATIONS

Rule and Regulation #157A In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Natural Gas and Pipeline Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]: A public workshop was scheduled for December 3, 2004, at 10:00 a.m. in the Commission Hearing Room, Lincoln, to discuss affiliate rules. Commissioner Landis will preside as Hearing Officer. A phone bridge has been established at 471-6000 for local callers and 1-888-866-4213 for out of town callers.

Rule and Regulation #161 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 1, Rules of Commission Procedure, to rewrite a substantial portion of the rules; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and to reprint the chapter in its entirety. A hearing was scheduled for December 7, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

LEGISLATIVE REPORT

Andy Pollock reported on the status of the Commission's 2005 Legislative proposals.

TRANSPORTATION DEPARTMENT

Mark Breiner informed the Commission that he, Robert Harrison and Jim Joneson would travel to western Nebraska to meet with various carriers.

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 increased to 44 cents per mile and the taxi surcharge retained at 45 cents per trip.

GENERAL ADMINISTRATION

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

DAS - IMServices	\$ 591.68
DAS - Materiel - Copy Service	1,956.61
HHS - Finance and Support	608.40
Kelly Services	590.63

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to approve Commission minutes for the month of September 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Upon agreement of all Commissioners present, authorization was granted for Gene Hand and Jeff Pursley to attend the National Association of Regulatory Utility Commissioners (NARUC) Annual Conference to be held in Nashville, Tennessee, from November 13-17, 2004.

Upon agreement of all Commissioners present, authorization was granted for Don Gray to attend the North American Numbering Council (NANC) Meeting to be held in Washington, DC, from November 3-4, 2004.

The meeting adjourned at 10:46 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 26, 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 October 25, 2004.

Chairman

Executive Director