

Chairman Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published October 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 October 26, 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 27, 2004:

M-14184 Commission Hearing Room, Lincoln.  
1:30 In the Matter of R & F Movers, Inc., Lincoln, seeking authority as a common carrier of household goods by truck between points within a 30 mile radius of the city limits of Lincoln. Commissioner Landis will preside as Hearing Officer.

Thursday, October 28, 2004:

C-3255 Commission Hearing Room, Lincoln. Oral Argument  
9:30 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of an amendment to the Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with MCImetro Access Transmission Services, LLC, Denver, Colorado. Commissioner Landis will preside as Hearing Officer.

COMMUNICATIONS DEPARTMENT

SC-005/ In the Matter of Maurice Gene Hand, Director, Communica-  
DC-66/ tions Department and Mr. Jeffrey L. Pursley, Director,  
NUSF-41 Universal Service Fund Department, versus Long Distance  
Savings: Motion made by Commissioner Anne Boyle, seconded  
by Commissioner Lowell Johnson, to continue the hearing from October  
26, 2004 to December 8, 2004, at 10:00 a.m. in the Commission Hearing  
Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.  
Commissioner Vap will preside as Hearing Officer.

C-3257 In the Matter of Digizip.com, Inc., New York, New York,  
seeking authority to operate as a resale carrier of intra-  
state interexchange telecommunication services within the State of  
Nebraska: Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Frank Landis, to enter an order granting the application.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3265 In the Matter of United Systems Access Telecom, Inc., Kennebunk, Maine, seeking to withdraw its authority to provide resold interexchange telecommunications services within the state of Nebraska, previously granted in Application C-2622: 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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3266 In the Matter of MG, LLC, d/b/a SearsConnect, Fort Lee, New Jersey, seeking to withdraw its authority to operate as a resale common carrier of telecommunications services within the state of Nebraska, previously granted in Application C-3015: 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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3269 In the Matter of ITC^DeltaCom, Inc., Huntsville, Alabama, seeking authority for the Indirect Transfer of Control of Business Telecom, Inc., d/b/a BTI, and ITC^DeltaCom Communications, Inc.: 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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3277/ In the Matter of the Commission, on its own motion, seeking  
PI-88 comment on the request by United Way of the Midlands to be assigned the use of "211" for Dakota County to gain access to First Call for Help (FCFH), a comprehensive information and referral service: A video hearing was scheduled for December 15, 2004, at 2:00 p.m. in the Commission Library, Lincoln, and City Hall, 1615 1<sup>st</sup> Avenue, South Sioux City. Commissioner Rod Johnson will preside as Hearing Officer.

Gene Hand informed the Commission that the Chairman of the Federal Communications Commission (FCC) had circulated for the FCC's November meeting agenda an order that would preempt all State oversight over Vonage-type Voice Over Internet Protocol (VoIP) services. Upon agreement of all Commissioners, a letter will be sent to Chairman Powell providing the Commission's views on several issues that must be addressed simul-taneously with respect to VoIP.

C-3204 In the Matter of Sprint Communications, L.P., Overland Park, Kansas, seeking approval of an amendment to its Certificate of Public Convenience and Necessity to provide local exchange telecommunications service in all exchanges within the State of Nebraska in which Sprint is not currently certificated: Gene Hand informed the Commission that the applicant filed objections to Southeast Nebraska Telephone Company's Exhibit List and a Motion in Limine.

UNIVERSAL SERVICE FUND

NUSF-37.42 In the Matter of Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainant, vs. Arizona Telephony Brokers, LLC, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Jeff Pursley reported on the Late-Filed Carrier Remittances: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve the request from Arch Wireless, Westborough, Massachusetts, waiving all late fees and administrative fines for the late-filed worksheets of June, 2002 through August 2004 and that a Complaint be filed against Cognigen Networks, Inc. for the late-filed 1st and 2nd Quarters, 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

FC-1319 In the Matter of Kinder Morgan, Inc., Lakewood Colorado, vs. City of Hastings, Hastings, alleging installation of duplicative and redundant natural gas piping and services in the City of Hastings and its environs: Angela Melton discussed the notification received October 21, 2004, confirming that good faith negotiations are in progress. Commissioner Rod Johnson will preside as Hearing Officer.

GRAIN WAREHOUSE DEPARTMENT

Motion made by Lowell Johnson, seconded by Frank Landis, to enter an order granting a Grain Warehouse License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

SECURITY

GW-2170 Archer Grain Company, Archer \$140,800

GW-1823 In the Matter of Cooperative Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. GW1 in the amount of \$387,500.00, issued on behalf of Farmers Union Cooperative Association of Cedar Bluffs, Nebraska, Cedar Bluffs, Prague, and Wahoo: The bond was cancelled effective August 1, 2004.



TRANSPORTATION DEPARTMENT (Cont.)

MCC-3155 In the Matter of Mark Breiner, Director, Motor Transportation Department vs. Local Movers, Lincoln: Mark Breiner reported on the filing of the complaint.

Mark Breiner reported on the western Nebraska trip made by Bob Harrison, Jim Joneson, and himself.

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

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to approve the following invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

DAS - Communications	\$ 3,604.93
Health and Human Services - Finance & Support	652.00
Dell	2,977.50
Larry Fauss	800.00
Rod Johnson	480.59

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

A.G.N. Sales	322.55
Aksarben TDD Service	5,134.75
Associated Hearing Health	315.70
Grand Island Hearing Aid	335.30
Hearing Aid Specialists, Inc.	769.00
Hearing Clinic Inc.	495.00
Carl A Johnson	2,963.40
Johnson Hearing Aid Service	128.63
K-D Communications	6,562.95
League of Human Dignity	1,163.70
McCook Pharmacy & Medical Supply	407.90
Professional Hearing Aid Services	2,144.45
Sherard Hearing Aid Center	2,042.40
Teltex	228.50

Upon agreement of all Commissioners, authorization was granted for Commissioner Landis to travel to Sioux Falls, South Dakota, on October 21, 2004, to attend a meeting with officials of Northwestern Corporation.

Upon agreement of all Commissioners present, authorization was granted for Tim Sandusky to attend a Track Recurrency Class to be held in Overland Park, Kansas, from December 6-10, 2004, with expenses to be paid by the Federal Railroad Administration.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel issues and Commissioner Anne Boyle seconded the motion. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission went into closed session at 10:31 a.m.

Commissioner Lowell Johnson moved that the Commission return to open session and Commissioner Anne Boyle seconded the motion. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission returned to open session at 10:56 a.m.

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The meeting adjourned at 11:15 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on Wednesday, November 3, 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 November 2, 2004.

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Chairman

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Executive Director