

Chairman Vap called the regularly scheduled meeting to order at 10:11 a.m. with Commissioners Boyle, Landis and Vap present and Commissioners Lowell Johnson and Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published November 23, 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 December 1, 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:

Thursday, December 2, 2004:

1:30 Bellevue Public Schools, Welcome Center Board Room, 1600 Highway 370, Bellevue. LR 376 (Gas) Urban Affairs Committee Hearing

Friday, December 3, 2004:

10:00 Rule and Commission Hearing Room, Lincoln. Workshop. Regulation 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]. Commissioner Landis will preside as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Pam Karstensen informed the Commission of the complaints received in the preceding month.

AD-314r In the Matter of Textron Financial Corporation, Providence, Rhode Island, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application: Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

FC-1296/ In the Matter of Alltel Nebraska, Inc.; Alltel Communica-
FC-1297/ tions of Nebraska, Inc.; and Illuminet, Inc., Complainants
S-03/ versus Qwest Corporation, Respondent, Cox Nebraska Telecom,
00147 LLC, and Illuminet, Complainants versus Qwest Communica-
tions, Inc., Defendant: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order on mandate. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3291 In the Matter of GE Business Productivity Solutions, Inc., Atlanta, Georgia, seeking an expedited approval of a transfer of assets, including the customer base and to transfer GE Business Productivity Solution's Operating Authority to Business Productivity Solutions; and to voluntarily discontinue GE Business Productivity Solutions, Inc.'s service in 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, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

C-3281 In the Matter of Great Plains Communications, Inc., Blair, seeking approval of its Wireless Interconnection and Reciprocal Compensation Agreement with Omaha Cellular Telephone Company, d/b/a Verizon Wireless, Walnut Creek, California: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

C-3282 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its DC Power Measuring Amendment to its Interconnection Agreement with McLeodUSA Telecommunications Services, Inc., Cedar Rapids, Iowa, previously granted on Application C-2023: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

C-3283 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Granite Telecommunications, LLC, Quincy, Massachusetts, previously granted at Application C-3054: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

C-3284 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Wireline Interconnection Agreement with Southwestern Bell Communications Services, a/k/a SBC Long Distance, Dallas, Texas: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3285 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to the Wireline Interconnection Agreement with Southwestern Bell Communications Services, a/k/a SBC Long Distance, Dallas, Texas, previously granted in Application C-3284: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

C-3287 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Qwest DSL (with discount) provided with UNE-P Term Extension Amendment with Allo Communications, LLC, Imperial, previously granted in Application C-2936: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

C-3288 In the Matter of Qwest Corporation, Denver, Colorado, Seeking approval of its Expedites for Design Services Amendment with New Edge Network Inc, d/b/a New Edge Networks, Vancouver, Washington, previously granted in Application C-2799: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

C-3289 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Z-Tel Communications, Inc., Tampa, Florida, previously granted in Application C-2561: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

DC-68 In the Matter of Maurice Gene Hand, Director, Communications Department, versus OnStar Corporation and TracFone Wireless, Inc., for failure to register with the Wireless Registry: A hearing was set for January 11, 2005, at 1:30 p.m. Commissioner Jerry Vap presiding as Hearing Officer.

John Burvainis provided a report on the QPAP audit. Commissioner Boyle indicated that she would serve on the ROC QPAP Audit Executive Committee.

COMMUNICATIONS DEPARTMENT (Cont.)

E-1970 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting the extension request. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

Gene Hand reported on Telehealth issues addressed at the NITC's Telehealth Committee meeting. There will be a Telehealth Conference in Kearney at the Holiday Inn on Friday, February 18, 2005.

UNIVERSAL SERVICE FUND

NUSF-19 In the Matter of the Commission, on its own motion, seeking to evaluate toll reductions and access flow-through: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to grant an order closing this proceeding. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to levy a late-fee against WWC License, LLC. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

NUSF-26 In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley reported that letters had been received by Arapahoe Telephone Company, Nebraska Central Telephone Company, Consolidated Telephone Company, Qwest Corporation and, Great Plains Communications, stating that they will eliminate zone charges effective January 1, 2005.

NATURAL GAS DEPARTMENT

NG-0007 In the Matter of the Tariff for Natural Gas Service available in the Entire Territory served by Aquila, Inc., d/b/a Aquila Networks - Nebraska; proposed tariff revisions filed November 1, 2004, to be effective December 1, 2004, Frank Landis presiding as Hearing Officer: A motion was made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to 1) grant requests filed November 30, 2004, by Public Advocate Roger Cox to set a hearing and suspend the Aquila Tariff filed November 1, 2004; 2) grant the Petition for Formal Intervention of the Public Advocate; 3) schedule a hearing to a date later to be determined; and 4) enter a Notice of Assessment. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Excused Not Voting.

NATURAL GAS DEPARTMENT (Cont.)

Laura Demman provided a report on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

P-0009 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Section 57-1306 - Palisades Subdivision, Commissioner Boyle presiding as Hearing Officer: Laura Demman discussed the order entered on November 23, 2004, by Hearing Officer Boyle granting the joint motion to consolidate hearings for Applications P-0008 and P-0009 scheduled for December 20, 2004, at 9:00 a.m. in the Sarpy County Courthouse, Sarpy County Board Room, 1210 Golden Gate Drive, Papillion.

GRAIN WAREHOUSE DEPARTMENT

John Fecht reported that the last grain warehouse license was issued after a background check was received on November 30, 2004.

TRANSPORTATION DEPARTMENT

MCC-3152 In the Matter of Andy S. Pollock, Complainant vs. S & B
M-14131 Enterprises, d/b/a Apartment Movers of Omaha, Omaha. Commissioner Anne Boyle presiding as Hearing Officer: The hearing previously scheduled for December 9, 2004, was continued to a date later to be determined.

Mark Breiner provided an update on the transportation plate situation. Upon agreement of all Commissioners present, authorization was granted to make the current, smaller plates permanent and approve ordering of supplemental plates to facilitate the change.

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 38 cents per mile and the taxi surcharge at 40 cents per trip.

GENERAL ADMINISTRATION

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

Dept of Agriculture	\$	2,044.23
Larry Fauss		800.00
Kelly Services		568.75

GENERAL ADMINISTRATION (Cont.)

Kelly Services	\$	595.00
Tyler Frost		1,358.00
Anne Boyle		270.00
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM		
AGN Sales		501.75
Aksarben TDD Service		4,103.60
Alternative Hearing		230.00
Associated Hearing Health		417.70
Fontel Inc.		179.20
Hamilton Telecommunications		459.80
Harris Communications		625.15
Hearing Aid Specialists Inc.		394.00
Hearing Clinic Inc		195.00
Carl A. Johnson		3,686.35
Johnson Hearing Aid Service		981.97
K-D Communications		981.85
Professional Hearing Aid Services		619.85
Sherard Hearing Aid Center		685.30
Teltex		214.40
Weitbrecht Communications		1,691.85

Upon agreement of all Commissioners present, authorization was granted for Mark Luttich and Kent Pribyl to travel to Tempe, Arizona, from February 2-4, 2005, to attend a Recreational Vehicle Code Workshop with the Recreational Vehicle Industry Association (RVIA). RVIA will pay for airline tickets, hotels, and incidental expenses (mileage, airport parking, and some meals).

Upon agreement of all Commissioners present, authorization was granted for Don Gray to travel to Washington, DC to attend the Industry Numbering Committee's INC-79 meeting from December 7-9, 2004, to present the Nebraska proposed change to the INC guidelines for transfer of NPA-NXX assignment.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the following 2005 first quarter Commission meeting dates. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson, and Rod Johnson Absent Not Voting.

January 4, 11, 19 (Wednesday) and 25, 2005

February 1, 8 and 23 (Wednesday), 2005

March 1, 8, 22 and 29, 2005

No meetings will be held the weeks of February 14 and March 15, 2005

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter into closed session to discuss personal matters. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Absent Not Voting. The Commission went into closed session at 10:40 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Frank Landis, and Jerry Vap voting AYE, Commissioners Lowell Johnson and Rod Johnson Absent Not Voting. The Commission returned to open session at 10:48 a.m.

The meeting adjourned at 10:48 a.m. with Commissioners Boyle, Landis and Vap present and Commissioners Lowell Johnson and Rod Johnson excused. The next regularly scheduled meeting will be held on December 7, 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 December 6, 2004.

Chairman

Executive Director