

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published November 30, 2004, on Page 10 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held December 7, 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:

Tuesday, December 7, 2004:

Rule and Commission Hearing Room, Lincoln. Hearing.
Regulation In the Matter of the Commission, on its own motion, seeking
#163 to promulgate Title 291, Chapter 14, Recreational Vehicles
1:30 Rules and Regulations, previously written under Title 178,
Chapter 15, through Health and Human Services and to adopt
current plan review and construction standards; create an
ad hoc committee; correct technical errors, grammar, punc-
tuation, spelling, sequential numbering and the like; and
reprint the chapter in its entirety. Commissioner Vap
presiding as Hearing Officer.

Wednesday, December 8, 2004:

NUSF-40/ Commission Hearing Room, Lincoln.
PI 86 In the Matter of the Commission, on its own motion, seeking
1:00 to determine the extent to which Voice Over Internet Proto-
col services should be subject to Nebraska Universal Ser-
vice Fund requirements. Commissioner Landis presiding as
Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3235 In the Matter of Randy Manning, Shelton, currently receiv-
ing telephone service from Sodtown Telephone Company, seek-
ing authority to change the boundary area to continue to receive
telephone service from Sodtown Telephone Company: Motion made by
Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to
enter an order granting the application. Motion passed with Commis-
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and
Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3297 In the Matter of NOS Communications, Inc., Las Vegas, Nevada, seeking authority to use the trade name Blueridge Telecom Systems: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod 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-3292 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Relative Use Factor Amendment Number One to the Interconnection Agreement with TCG Omaha, Denver, Colorado, previously granted in Application C-3095: 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-3293 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its SPOP Amendment to the Wireline Interconnection Agreement with MCImetro Access Transmission Services, LLC, Denver, Colorado, previously granted in Application C-2257: 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-3295 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Special Request Process Amendment to Interconnection Agreement with XO Network Services, Inc., Reston, Virginia, previously approved in Application C-3090: 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.

SC-005/
NUSF-41/
DC-66 In the Matter of Maurice Gene Hand, Director, Communications Department, and Mr. Jeffrey L. Pursley, Director, Universal Service Fund Department, versus Long Distance Savings: Shana Knutson outlined the stipulation that staff will be entering into with Long Distance Savings as an offer to the Commission for resolution of this complaint. The hearing previously scheduled for December 8, 2004, was cancelled.

Gene Hand informed the Commission that the Nebraska Internet Enhancement Fund Advisory Board will meet on December 15, 2004, at 3:00 p.m. in the Commission Library, Lincoln.

Gene Hand informed the Commission that the Wireline Competition Bureau is seeking comments on Petitions from West Virginia and Nebraska Public Service Commissions for additional delegated authority to implement numbering resource optimization measures.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2060 In the Matter of Niobrara Valley Electric Membership Corporation, O'Neill, seeking authority to construct, operate and maintain electric transmission lines in Holt County: 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.

Gene Hand reported on the efforts of the National Association of Regulatory Utility Commissioners (NARUC) Telecommunications Committee to contact the Federal Communications Commission (FCC) regarding the Triennial Review Order (TRO) expected to be before the FCC in December.

Gene Hand reported on the status of developing an inter-carrier compensation reform plan that NARUC will be asked to endorse.

UNIVERSAL SERVICE FUND

NUSF-2 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Telephone Assistance Program: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order modifying eligibility requirements for the Nebraska Telephone Assistance Program (NTAP). Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-3 In the Matter of Hamilton Telephone Company, Aurora, seeking issuance of an order by the Commission waiving the requirement to file an NUSF Transition Plan: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order closing this proceeding. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E911 DEPARTMENT

PSAP-038 In the Matter of Red Willow County, McCook, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: Motion made by Commissioner Frank Landis, 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.

E911 DEPARTMENT (Cont.)

PSAP 38.1 In the Matter of Red Willow County, McCook, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: 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.

PSAP-039 In the Matter of the City of Norfolk Police Department, Pierce County & Stanton County, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: 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.

Kara Thielen discussed the intertandem trunking between Qwest and Alltel Tandems.

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, Commissioner Landis presiding as Hearing Officer: Laura Demman informed the Commission that a planning conference was held December 1, 2004, at 4:00 p.m. and a subsequent planning conference was scheduled for December 15, 2004, at 1:00 p.m. The call-in number will be 402-472-6899.

CI 03-4436 In the Matter of Metropolitan Utilities District, Omaha, (NG-0008) seeking authority for a Competitive Natural Gas Provider Certificate in the state of Nebraska, Commissioner Landis presiding as Hearing Officer: Laura Demman informed the Commission that copies of the briefs filed on behalf of Aquila and Cornerstone (Cross-appeals) and M.U.D. (appeal) were received December 1, 2004.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of Basso, McClure & Goeglein, LLP, seeking a measure-up of grain in the facilities of J.E. Meuret Grain Co., Inc., Brunswick: Request was granted with the necessary fee to be paid by applicant.

GW-182 In the Matter of Haveman Grain Co., Inc., Murray: John Fecht discussed the shortage of corn.

GW-445 In the Matter of Farmers Union Cooperative Co., Spencer: John Fecht discussed the shortage of corn and oats.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-182 In the Matter of Haveman Grain Co., Inc., Murray: John Fecht discussed the corn shortage of November 16, 2004 and the wheat shortage of July 20, 2004. He reported that repeat shortages violates the grain rules and is a finable offense. Upon agreement of all Commissioners, authorization was granted for John Fecht to file a complaint and write a letter proposing a fine be levied and collected.

GW-244 In the Matter of John Fecht, Director, Grain Warehouse, Complainant, vs. Ely Grain Inc., Guide Rock, Defendant, Commissioner Rod Johnson presiding as Hearing Officer: A Complaint was filed and a hearing scheduled for December 21, 2004 at 2:00 p.m. in the Commission Hearing Room, Lincoln.

GW-306 In the Matter of Geneva Milling Co., Inc., Geneva, seeking to issue duplicate grain warehouse receipts to replace lost receipts B661896, B661897, and B661898: Application was granted.

GW-2155 In the Matter of Bauman Livestock Feed & Supply, Inc., Martell, seeking cancellation of its Grain Warehouse License: License was cancelled effective November 29, 2004.

Grain Dealer Division

There is one grain dealer license that has not been issued due to a background check.

GD-2155 In the Matter of Bauman Livestock Feed & Supply, Inc., Martell, seeking cancellation of its Grain Dealer License: License was cancelled effective November 29, 2004.

Moisture Meter Division

In the Matter of moisture meter inspection fees that are not paid by the deadline: John Fecht reported that a \$15.00 late fee should be charged and asked permission to assess this fee. Upon agreement of all Commissioners, the matter was tabled until the December 14, 2004 Commission meeting, when the Commission fee schedule for 2005 will be discussed.

TRANSPORTATION DEPARTMENT

MCC-3154 In the Matter of Mark Breiner, Director, Motor Transportation Department, vs. Mike's Moving, Omaha, Commissioner M-14110 Landis presiding as Hearing Officer: A hearing was scheduled for January 19, 2005, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT (Cont.)

MCC-3152 In the Matter of Andy Pollock, Director, Motor Transportation Department, vs. Apartment Movers of Omaha, Commissioner Boyle presiding as Hearing Officer: The video hearing previously scheduled for December 9, 2004, was continued to January 20, 2005, at 9:30 a.m. in the Commission Library, Lincoln and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha.

Rate Department

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 reduced to 34 cents per mile and the taxi surcharge increased to 45 cents per trip.

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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

HHS Finance & Support	\$	1,662.99
ASAP Software		1,028.02
Ted Burkey		1,847.50
Bob Bowman		1,172.14
Kent Pribyl		831.38

Upon agreement of all Commissioners, authorization was granted for Commissioners Rod Johnson and Lowell Johnson to attend the Mid-American Regulatory Commissioners (MARC) Conference to be held in San Antonio, Texas, from January 6-9, 2005 with most expenses to be paid by MARC.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to go into closed session to discuss personnel matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission went into closed session at 10:45 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission returned to open session at 10:52 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve offering the Motive Power & Equipment Inspector position. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to accept the resignation of Lynn Marshall effective December 31, 2004, and the open E911 Coordinator position. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

The meeting adjourned at 10:55 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on December 14, 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 13, 2004.

Chairman

Executive Director