

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 February 16, 2005 on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 23, 2005 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, February 23, 2005:

C-3324 Commission Library, Lincoln. Planning Conference.  
4:00 In the Matter of N.E. Colorado Cellular, Inc., d/b/a  
Viaero Wireless, Fort Morgan, Colorado, seeking a designa-  
tion as an eligible telecommunications carrier under 47  
U.S.C. Section 214(e)(2). Commissioner Vap presiding as  
Hearing Officer.

Friday, February 25, 2005:

E911 Commission Library, Lincoln.  
9:00 E911 Advisory Board Meeting.

COMMUNICATIONS DEPARTMENT

C-3323 In the Matter of Qwest Corporation, Denver, Colorado, seek-  
ing approval of its amendment to the Interconnection Agree-  
ment for Elimination of UNE-P and Implementation of Batch Hot Cut  
Process and Discounts with ACN Communications Services, Inc., Farming-  
ton Hills, Michigan: 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-3328 In the Matter of Maxxis Communications, Inc., Tucker,  
Georgia, 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-2008: Motion made by  
Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to  
enter an order withdrawing authority. Motion passed with Commissioners  
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap  
voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3329 In the Matter of the Joint Application of Paetec Corporation, Fairport, New York, and American Long Lines, Inc., Horsham, Pennsylvania, jointly seeking a transfer of control of the ownership of American Long Lines, Inc: 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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3334 In the Matter of Qwest Corporation, f/k/a US WEST Communications, Inc., Denver, Colorado, seeking approval of its Enhanced Extended Loop (EEL) Amendment to the Interconnection Agreement with DIECA Communications, Inc., d/b/a Covad Communications Company, Denver, Colorado, for 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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3340 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Amendment to the Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with 1-800-Reconex Inc. d/b/a USTEL, Hubbard, Oregon, previously granted in Application C-3219: 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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3345/ In the Matter of the Commission, on its own motion, seeking  
PI-93 to investigate Qwest's Switched Access Rate Structure:  
Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Anne Boyle, to enter an order opening the docket. Motion  
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,  
Frank Landis, and Jerry Vap voting AYE.

C-3338/ In the Matter of the Commission, on its own motion, seeking  
PI-91 to conduct an investigation into the possible implementing  
of a nationwide overlay of a single area code dedicated to  
the Department of the Navy with local dialing from all existing  
exchanges to all exchanges within the new area code, Commissioner Anne  
Boyle presiding as Hearing Officer: A hearing officer order was  
entered removing the requirement to file comments by February 25,  
2005.

C-3351 In the Matter of DIECA Communications, Inc., d/b/a Covad  
Communications Company, Denver, Colorado, seeking Arbitra-  
tion of an Interconnection Agreement with Qwest Corporation: Pursuant  
to Commission policy, the parties have until March 11, 2005, to select  
an arbitrator and advise the Commission of the selection.

COMMUNICATIONS DEPARTMENT (Cont.)

Angela Melton discussed changing the method for handling uncontested "211" Applications. Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to modify the procedure for handling uncontested "211" applications. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3327/ PI-90 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" for Adams, Clay, Nuckolls and Webster Counties to gain access to First Call for Help (FCFH), a comprehensive information and referral service. Commissioner Rod Johnson presiding as Hearing Officer: Upon agreement of all Commissioners, the video hearing previously scheduled for March 9, 2005, was changed to a public meeting at 10:30 a.m. at the Hastings Library, 2nd Floor, 517 West 4th Street, Hastings.

Gene Hand informed the Commission that the Federal Communications Commission (FCC) extended the date by which they must rule on Qwest's Petition for Forbearance in the Omaha Metropolitan Statistical Area to September 16, 2005.

Gene Hand reported on the NARUC Winter Meetings held in Washington, D.C. from February 11-15, 2005, and distributed copies of the "Report of the Broadband Over Power Lines Task Force".

Gene Hand discussed recent wireless termination tariffs received from some of the NITA carriers.

UNIVERSAL SERVICE FUND

Jeff Pursley discussed the Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to grant the request from TON Services, Inc. to waive late fees and administrative fines associated with Complaint NUSF-37.53 and to waive late fees for Benkelman Telephone Company, Wauneta Telephone Company, Hartman Telephone Exchange and BW Telcom Long Distance. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-40 In the Matter of the Commission, on its own motion, seeking to determine the extent to which Voice Over Internet Protocol services should be subject to Nebraska Universal Service Fund requirements: Jeff Pursley discussed the Summary of Post Hearing Briefs received on February 11, 2005.

E911 DEPARTMENT

PSAP-36.1 In the Matter of Lincoln/Lancaster County, Lincoln, 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, Jerry Vap voting AYE.

WSP-001.1 In the Matter of Cricket Communications, San Diego, California, seeking approval for funding from the Enhanced Wireless 911 Service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order requesting that an updated implementatin plan be filed. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

WSP-011.1 In the Matter of US Cellular, Chicago, Illinois, seeking approval for funding from the Enhanced Wireless 911 Service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order requesting that an updated implementation plan be filed. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

WSP-003.3 In the Matter of Sprint PCS, Overland Park, Kansas, seeking approval for funding of Enhanced Wireless 911 service: Motion made by Commissioner Frank Landis, 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.

WSP-004.1 In the Matter of Nextel Communications, Kirkland, Washington, seeking funding from the Enhanced Wireless 911 service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order requesting that an updated implementation plan be filed. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

911-07.1 In the Matter of the Commission, on its own motion, seeking to provide for and fund intertandem trunking across the State of Nebraska for use in provision of wireless enhanced 911 service: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order amending the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Kara Thielen informed the Commission that the E911 Advisory Board Meeting Dates were scheduled for June 7, September 12 and October 24, 2005, at 1:30 p.m. in the Commission Library, Lincoln.

E911 DEPARTMENT (Cont.)

Kara Thielen informed the Commission that the E-911 Workshop scheduled for March 2, 2005 was continued to a date later to be determined.

NATURAL GAS DEPARTMENT

NG-0023.1 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, seeking to implement supply cost adjustment associated with Other Services Charge applicable to Nebraska Rate Schedules CGS (Choice Gas Service), ACGS-NSS (Agricultural Choice Gas Service Non-Seasonal Service), and ACGS-SS (Agricultural Choice Gas Service Seasonal Service): Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to grant the Petition for Formal Intervention filed by Roger P. Cox, Public Advocate. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

P-0008 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Sec. 57-1306 - Stonecrest/Meridian Park Subdivision. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order ruling for Metropolitan Utilities District. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

P-0009 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Sec. 57-1306 - Palisades Subdivision. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order ruling for Aquila. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT

GW-1823 In the Matter of Farmers Union Cooperative Association of Cedar Bluffs, seeking termination of a storage contract: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an Order approving termination. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht discussed the insolvency and procedures to send out claim forms and proceed with the grain sale announcement. Motion made by Rod Johnson, seconded by Frank Landis, to move quickly in advertising the grain sale. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

John Fecht informed the Commission that there are five grain dealer licenses not issued due to background checks.

GD-2871/ In the Matter of North Side Grain Co., Laurel: John Fecht  
GWC-398 discussed the pending application and the bond endorsement  
that must be furnished to complete the application. Motion  
made by Commissioner Anne Boyle, seconded by Commissioner Frank  
Landis, to enter a Show Cause against North Side Grain today. Commis-  
sioner Boyle withdrew the motion. John Fecht informed the Commission  
that a complaint and Order to Show Cause will be entered on March 1,  
2005.

TRANSPORTATION DEPARTMENT

B-869 In the Matter of Black Hills Stage Lines, Norfolk, seeking  
Supp. 17 to extend its existing authority to read, "Transportation  
of passengers and their baggage as a common carrier by bus  
over regular routes between Omaha and the Nebraska-Colorado state line  
via Interstate 80 servicing all intermediate points: Motion was made  
by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle,  
to grant the application. Motion passed with Commissioners Anne  
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting  
AYE.

Commissioner Rod Johnson left the Commission Hearing Room  
at 11:07 a.m.

M-14131 In the Matter of Mark Breiner, Director, Motor Transporta-  
MCC-3152 tion, vs. Apartment Movers of Omaha. Commissioner Boyle  
presiding as Hearing Officer: The video hearing previously  
scheduled for February 24, 2005, was continued to March 30, 2005, at  
1:30 p.m. in the Commission Library, Lincoln, and the Nebraska State  
Office Building, Room 207, Second Floor, 1313 Farnam Street, Omaha.

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 36 cents per mile and the  
taxi surcharge retained at 45 cents per trip.

MR-1009 In the Matter of the Commission, on its own motion, seeking  
to initiate an investigation on range uniformity in the  
Official Intracity Household Goods Tariff 22. Commissioner Rod  
Johnson presiding as Hearing Officer: A hearing was scheduled for a  
date later to be determined.

TRANSPORTATION DEPARTMENT (Cont.)

TR-139 In the Matter of Servant Cab, LLC, dba Yellow Cab Company and Capital Cab Company, Lincoln, seeking to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson, Excused Not Voting.

Commissioner Rod Johnson returned to the Commission Hearing Room at 11:15 a.m. Commissioner Landis left the Commission Hearing Room.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners present, the following Commission invoices were ratified for payments made between February 9-22, 2005:

Anne Boyle	\$	243.00
Thomson West		557.20

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

AGN Sales	322.55
Alternative Hearing	480.00
Hearing Aid Specialists	534.00
K-D Communications	981.85
Professional Hearing Aid Services	1,379.60
R & J Enterprise	740.85
Teltex	1,350.70
Sherard Hearing Aid Center	183.40
Hearing Clinic Inc.	417.32
Weitbrecht Communications	2,304.40

Upon agreement of all Commissioners present, the following Commission invoices were approved:

Larry Fauss	\$	800.00
Hamilton Telecommunications		76,682.77
Kelly Services		682.50
Laura Demman		1,023.82
Gene Hand		1,081.02
Jeff Pursley		1,015.69
Rod Johnson		644.00
Gerald Vap		761.44
Gerald Vap		1,728.62

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve Commission minutes for the month of January 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE and Commissioner Frank Landis Excused Not Voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to amend the filing fee schedule to add a \$50.00 late reporting fee for the Grain Warehouse Department. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

Commissioner Landis returned to the Commission Hearing Room.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to go into closed session to discuss personnel matters. Upon agreement of all Commissioners, the Commission went into closed session at 11:30 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, 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 11:34 a.m.

Upon agreement of all Commissioners, authorization was granted to hire a law clerk.

Upon agreement of all Commissioners, authorization was granted to upgrade the employment status of a Communications Department employee from probationary to permanent status effective March 1, 2005.

Upon agreement of all Commissioners, authorization was granted to make an offer for the Administrative Assistant position.

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The meeting adjourned at 11:35 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on March 1, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 28, 2005.

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Chairman

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Deputy Director