

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 April 5, 2005 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 12, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

C-3335        In the Matter of Qwest Communications Corporation (QCC), Denver, Colorado, seeking to remove restrictions of the Commission Order in Docket C-1839/PI-22: Gene Hand provided a report on the status of the docket.

C-3345/  
NUSF-42/  
PI-42        In the Matter of the Commission, on its own motion, seeking to investigate Qwest's Switched Access Rate Structure: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting a Protective order and schedule a prehearing conference for April 14, 2005. Frank Landis was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3403/  
PI-95        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 Polk and Butler Counties for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, 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-3357        In the Matter of Qwest Corporation, Denver, Colorado, seeking an Amendment to the Interconnection Agreement for the Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Integra Telecom, Beaverton, Oregon, previously granted in C-2250: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3366 In the Matter of Qwest Corporation, Denver, Colorado,  
Filing Under Protest of the Commercial Agreement with  
Houlton Enterprises, Inc., d/b/a Guaranteed Phone Services, Council  
Bluffs, Iowa, for provision of Qwest Platform Plus Service: 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-3367 In the Matter of Qwest Corporation, Denver, Colorado,  
Filing Under Protest of the Commercial Agreement with  
McLeod USA Telecommunications Services Inc., Cedar Rapids, Iowa, for  
provision of Qwest Platform Plus Services: Motion made by Commis-  
sioner 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-3368 In the Matter of Qwest Corporation, Denver, Colorado,  
Filing Under Protest of the Commercial Agreement with  
Nexgen Integrated Communications, LC, f/k/a Newpath Holdings Inc.,  
Urbandale, Iowa, for provision of Qwest Platform Plus Services:  
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-3369 In the Matter of Qwest Corporation, Denver, Colorado,  
Filing Under Protest of the Commercial Agreement with  
Budget Phones, Inc., Shreveport, Louisiana, for provision of Qwest  
Platform Plus Services: 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-3370 In the Matter of Qwest Corporation, Denver, Colorado,  
Filing Under Protest of the Commercial Agreement with  
Pinpoint Communications, Inc., Cambridge, for provision of Qwest  
Platform Plus Services: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3375 In the Matter of the Joint Application of Qwest Corporation, Denver, Colorado, and NexGen Integrated Communications, L.C., Urbandale, Iowa, seeking an amendment to the Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts: 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-3377 In the Matter of the Joint Application of Qwest Corporation, Denver, Colorado, and NexGen Integrated Communications, L.C., Urbandale, Iowa, seeking to amend the interconnection agreement for a Triennial Review Order and USTA II Decision Amendment: 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-3378 In the Matter of Qwest Corporation, Denver, Colorado, seeking to amend an interconnection agreement for Commercial Line-Sharing Amendment with Community Internet Systems, Columbus, previously granted in C-2702: 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.

E-2065 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Brown, Cherry and Thomas Counties: 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.

E-2067 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Jefferson County: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2068 In the Matter of Niobrara Valley Electrical Membership Corporation, O'Neill, seeking authority to construct, operate and maintain an electric transmission line in Holt County: 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.

E-2069 In the Matter of Fremont Department of Utilities, Fremont, seeking authority to construct, operate and maintain an electric transmission line in Dodge County: 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.

E-2071 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Antelope and Holt Counties: 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.

E-2072 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Jefferson County: 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.

E-2074 In the Matter of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County: 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.

E-2075 In the Matter of Wheat Belt Public Power District, Sidney, seeking authority to construct, operate and maintain an electric transmission line in Cheyenne County: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2076 In the Matter of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County: 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.

Gene Hand discussed the article from the April 2005 issue of Governing magazine titled "Internet Telephone Communications is an exciting new prospect, unless it's your job to regulate it."

Don Gray reported on the following issues discussed on the NeuStar bi-monthly conference call: New forecasted NPA exhaust dates should be available in May; Missouri area code 601 has gone to mandatory 10d; Local Number Portability (LNP) in the United States during February had wireless ports totaling ~680K; February wireline ports were ~860K, a significant increase possibly due to Voice Over Internet Protocol (VoIP); Michigan filed a petition with the Federal Communications Commission (FCC) for additional number conservation authority; Six additional VoIP providers are requesting direct access to the numbering resources; Qwest is expected to file a petition for direct access to numbers for provision of their VoIP service also; and VoIP service providers having direct access to numbering resources will also cause an increased demand for local routing numbers (LRN's).

Don Gray discussed the Pooling Administrators Annual Report which shows all 461 Nebraska Rate Centers are at least pooling optional. The 178 Rate Centers in 308 have 14 service providers pooling while the 283 Rate Centers in 402 have 23 service providers pooling. Don also reported on Nebraska's efforts in 2004 to use pooling to extend the life of the 402 area code. The Pooling Administrator estimates that since June of 1998, pooling has saved seven central office (NXX) codes in 308 and 17 in 402. Current forecasted NPA exhaust dates are the 2<sup>nd</sup> Quarter of 2026 for the 308 area code and the 2<sup>nd</sup> Quarter of 2006 for the 402 area code.

Don Gray also discussed Pooling in Rate Centers where the incumbent is not pooling capable which may result in other carriers not electing to pool in those rate centers. If new resources are pooled, and additional service providers obtain the pooled resources, calls to the new carriers telephone numbers (TN's) placed by the non LNP capable LEC customers must be "dipped", then routed on the transport facilities of the carrier that obtained the new resources.

UNIVERSAL SERVICE FUND

NUSF-42/ In the Matter of the Commission, on its own motion, seeking  
C-3345/ to investigate Qwest's Switched Access Rate Structure.  
PI-93 Commissioner Landis presiding as Hearing Officer: Motion  
made by Commissioner Rod Johnson, seconded by Commissioner  
Lowell Johnson, to schedule a pre-hearing conference for April 14,  
2005, at 10:00 a.m. in the Commission Library, Lincoln. Motion passed  
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank  
Landis, and Jerry Vap voting AYE.

NUSF-44/ In the Matter of Jeffrey L. Pursley, Director, Nebraska  
DC-69 Universal Service Department, Complainant, vs. AT&T  
Communications, Respondent: Jeff Pursley informed the  
Commission that a Complaint had been opened.

NUSF-2 In the Matter of the Commission, on its own motion, seeking  
to establish guidelines for the administration of the  
Nebraska Telephone Assistance Program: Jeff Pursley updated the Com-  
mission on the progress of the recertification of NTAP participants.

NATURAL GAS DEPARTMENT

NG-0013 In the Matter of the Commission, on its own motion, seeking  
to evaluate and establish, on a quarterly basis, an assess-  
ment for jurisdictional utilities pursuant to the State Natural Gas  
Regulation Act [LB 790, 2003]: Motion made by Commissioner Rod John-  
son, seconded by Commissioner Frank Landis, to enter an assessment  
order. Motion passed with Commissioners Anne Boyle, Lowell Johnson,  
Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

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 Sea-  
sonal Service): A hearing was scheduled for May 5, 2005, at 2:00 p.m.  
in the Commission Hearing Room, Lincoln. Commissioner Vap presiding  
as Hearing Officer.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking  
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and  
#164 Regulations, to add rules for incumbent local exchange  
carriers with an affiliated competitive local exchange  
carrier serving in the same territory: Motion made by Commissioner  
Frank Landis, seconded by Commissioner Rod Johnson, to enter an order  
scheduling a hearing for May 17, 2005, at 1:30 p.m. in the Commission  
Hearing Room, Lincoln and modifying the comment deadline. Motion  
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,  
Frank Landis, and Jerry Vap voting AYE.

#### WEB AND TECHNOLOGY REPORT

Tyler Frost reported on the increasing magnitude of visitors to the Commission's website, including a growing number of visits to newly implemented website additions; the online complaint option, editable Commission forms, and an interactive, searchable, interconnection agreement database.

Tyler Frost reported on the number of online complaints received year to date. Since inception in 2004, online complaints have grown to account for approximately 20% of total complaints received by the Commission.

Tyler Frost reported on the most recent email issue and informed the Commission of a new email product, currently being tested, to potentially replace the current.

Tyler Frost gave a demonstration of the newest addition to the Commission's website; an interactive, searchable, database of all Communications' Department orders. The Communications Order Database is assessable via the Commission's homepage.

#### LEGISLATIVE REPORT

Angela Melton reported on, and the Commission discussed, the status of legislation affecting the Commission.

#### GRAIN WAREHOUSE DEPARTMENT

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht updated the Commission on the grain load-out progress.

##### Grain Dealer Division

GD-2871 In the Matter of John A. Fecht, Director, Warehouse  
GDC-398 Department, Complainant, v. North Side Grain Co., Laurel, Defendant. Commissioner Rod Johnson presiding as Hearing Officer: The hearing previously scheduled for April 12, 2005, was continued to April 19, 2005, at 2:30 p.m. in the Commission Hearing Room, Lincoln.

Commissioner Landis exited the Commission Hearing Room.

#### TRANSPORTATION DEPARTMENT

B-1662 In the Matter of Black Tie Limousine, Merrill, Iowa, seeking to acquire, through transfer, the authority granted to Black Tie Limousine, Inc. in Certificate B-1525: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting temporary authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

TRANSPORTATION DEPARTMENT (Cont.)

M-14179 In the Matter of A-1 Relocation, Inc., dba Lincoln Moving Services, Lincoln, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Certificate M-14179 until April 30, 2006: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to grant the application and suspend the certificate until April 30, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

MCC-3156 In the Matter of Mark J. Breiner, Director, Motor Transportation Department, Complainant, vs. A-1 Limousine Services, LLC, BJ Tours, Inc., Black Tie Limousine, Inc., Central Limo Service, N.E. Lincoln Daycare, Nebraska Game & Parks Commission, Omaha Limousine, RT Round Trip Transport, VIP Limobus LLC, VIP Limousine LLC, A-J Moving Services, Ford Storage and Moving Company, Hot Shot Deliveries, LLC, Lincoln Moving Services, Nebraskaland Moving & Storage, Shasteen Transfer and Storage, Shipper's Transportation, Inc., Smitty's Van & Storage Co., and Transfer 88, Respondents: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order to dismiss the complaint in part and sustain the complaint in part. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

Commissioner Landis returned to the Commission Hearing Room.

Rate Division

LR-252 In the Matter of VIP Limousine, LLC, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application as amended with all language addressing the gratuity stricken and scheduling a hearing for April 20, 2005, at 9:30 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 Landis presiding as Hearing Officer.

LR-255 In the Matter of A-1 Limousine, LLC, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis with all language addressing the gratuity stricken. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. Commissioner Landis presiding as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

TR-141 In the Matter of Norfolk Taxi, Norfolk, seeking authority to amend its rates and charges: Mark Breiner reported on, and the Commission discussed, the rates and charges.

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 decreased to 46 cents per mile.

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

DAS Materiel	\$ 600.99
Law Seminars International	795.00
Voyager	1,424.48
Rod Johnson	247.67
Frank Landis	82.32

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to go into closed session to discuss personnel and investigatory 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 11:05 a.m.

Motion made by Commissioner Rod Johnson, 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 11:10 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve action on a personnel matter. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

The meeting adjourned at 11:12 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on April 19, 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 April 18, 2005.

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Chairman

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Executive Director