

Chairman Vap called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present, and Commissioner Rod Johnson excused at the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published May 10, 2005 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 17, 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:

Tuesday, May 17, 2005:

Rule and Commission Hearing Room, Lincoln.
Regulation In the Matter of the Commission, on its own motion, seeking
#164 to amend Title 291, Chapter 5, Telecommunications Rules and
1:30 Regulations, to add rules for incumbent local exchange
carriers with an affiliated competitive local exchange
carrier serving in the same territory. Commissioner Landis
presiding as Hearing Officer.

Wednesday, May 18, 2005:

Video Hearing. Commission Library, Lincoln and Nebraska
State Office Building, Room 207, 1313 Farnam Street, Omaha.

BR-300 In the Matter of MAVM Ventures, dba A & B Shuttle, Omaha,
9:00 seeking authority to adjust its rates and charges.
Commissioner Vap presiding as Hearing Officer.

B-1621 In the Matter of Phoenix Counseling, Inc., dba Phoenix
9:30 Transportation Services, Omaha, seeking authority as a
common carrier of passengers in open class service between
points in Douglas, Cass, Sarpy, and Washington counties by
van over irregular routes. Commissioner Boyle presiding as
Hearing Officer.

Thursday, May 19, 2005:

GW-93 Commission Hearing Room, Lincoln.
9:00 In the Matter of The Keene Cooperative Grain and Supply
Company, Axtell, seeking approval of special rates and
charges. Commissioner Vap presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3364 In the Matter of Hartman Telephone Exchanges, Inc.,
Haigler, seeking approval to do business as BWTelcom:
Motion made by Commissioner Lowell Johnson, seconded by Commissioner
Frank Landis to enter an order to amend the application. Motion
passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis,
Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3403/ In the Matter of the Commission, on its own motion, seeking
PI-95 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 Anne Boyle, seconded by
Commissioner Lowell Johnson, to enter an order granting the applica-
tion. Motion passed with Commissioners Anne Boyle, Lowell Johnson,
Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Excused
Not Voting.

C-3405 In the Matter of Benkelman Telephone Co., Inc., Benkelman,
seeking to borrow from the United States of America through
the Rural Utility Service and the Rural Telephone Bank: Motion made
by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson,
to enter an order granting the application. Motion passed with Com-
missioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting
AYE, Commissioner Rod Johnson Excused Not Voting.

C-3406 In the Matter of Wauneta Telephone Co., Inc., Benkleman,
seeking to borrow from the United States of America through
the Rural Utility Service and the Rural Telephone Bank: Motion made
by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson,
to enter an order granting the application. Motion passed with Com-
missioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting
AYE, Commissioner Rod Johnson Excused Not Voting.

C-3324 In the Matter of N.E. Colorado Cellular, Inc. d/b/a Viaero
Wireless, Fort Morgan, Colorado, seeking designation as an
eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2):
Shana Knutson updated the Commission on the status of this docket.

C-3345/ In the Matter of the Commission, on its own motion, seeking
NUSF-42/ to investigate Qwest's Switched Access Charge Rates. Com-
PI-93 missioner Landis presiding as Hearing Officer: Shana Knut-
son updated the Commission on the Hearing Officer Order
entered May 12, 2005. An oral argument was scheduled for May 24,
2005, at 2:30 p.m. in the Commission Hearing Room, Lincoln. The Oral
Argument previously scheduled for May 20, 2005, on discovery issues
was cancelled because discovery was suspended.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand updated the Commission on further relevant deliberations regarding the Federal Communications Commission's (FCC) recent adoption of a rulemaking captioned: "In the Matter of Developing a Unified Intercarrier Compensation Regime". Commissioner Rod Johnson entered the Commission Hearing Room during discussion.

Gene Hand discussed a May 10, 2005, letter from Huntel Systems regarding the deployment of high-speed Internet access to their customers in Macy and Rosalie.

Gene Hand informed the Commission that Universal Service Administration Company reform and VoIP/E-911 issues are expected to be addressed at the FCC's meeting on Thursday, May 19, 2005.

UNIVERSAL SERVICE FUND

Camelia Rogers discussed the new Nebraska Telephone Assistance Program (NTAP) Application Form.

NUSF-42/ In the Matter of the Commission, on its own motion, seeking
C-3345 to investigate Qwest's Switched Access Charge Rates: The
Pi-93 Hearing Officer's order scheduling an Oral Argument for May
24, 2005, at 2:30 in the Commission Hearing Room, Lincoln,
was discussed previously in the Communications Department agenda.

LEGISLATIVE REPORT

Angela Melton reported on the advancement of LB 683 and discussed the status of LB 48 and LB 748.

TRANSPORTATION DEPARTMENT

B-1619 In the Matter of Kincaid Coach Lines, Edwardsville, Kansas,
seeking Commission approval to waive the age qualification
for driving a motor vehicle: Motion made by Commissioner Rod Johnson,
seconded by Commissioner Anne Boyle, to enter an order seeking
approval of the waiver. Motion passed with Commissioners Anne Boyle,
Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

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 decreased to 40 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-306 In the Matter of John A. Fecht, Director, Warehouse Depart-
GW-404 ment, Complainant, v. Geneva Milling Co., Inc., Geneva,
 Defendant: Motion made by Commissioner Anne Boyle,
seconded by Commissioner Lowell Johnson, to enter an order approving a
stipulation and dismissing the complaint. The hearing previously
scheduled for May 19, 2005, was cancelled. Motion passed with Commis-
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and
Jerry Vap voting AYE.

GW-1154 In the Matter of Heartland Co-op, Juniata, seeking to issue
 a duplicate grain warehouse receipt to replace B577425:
Motion made by Commissioner Frank Landis, seconded by Commissioner
Lowell Johnson, to approve the application. Motion passed with Com-
missioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis,
and Jerry Vap voting AYE.

GW-2135 In the Matter of John A. Fecht, Director, Warehouse
GWC-397 Department, v. Wilhelm Grain, Inc., Humboldt, Defendant:
 Motion made by Commissioner Frank Landis, seconded by
Commissioner Lowell Johnson, to enter an order determining claims.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, Frank Landis, and Jerry Vap voting AYE.

Grain Dealer Division

GD-2089 In the Matter of Windside Grain and Feed, Inc., Winside,
 seeking to cancel its Grain Dealer License: Upon agreement
of all Commissioners, the request was granted.

GD-2135 In the Matter of John A. Fecht, Director, Warehouse Depart-
GDC-397 ment, Complainant, v. Wilhelm Grain, Inc., Humboldt, Defen-
 dant: Motion made by Commissioner Frank Landis, seconded
by Commissioner Lowell Johnson, to enter an order determining claims.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, Frank Landis, and Jerry Vap voting AYE.

GD-2760 In the Matter of John A. Fecht, Director, Warehouse Depart-
GDC-405 ment, Complainant, v. South Platte Commodities, L.L.C.,
 Brule, Defendant: Motion made by Commissioner Lowell
Johnson, seconded by Commissioner Rod Johnson, to enter an order
Approving a stipulation and dismissing the complaint. The hearing
previously scheduled for May 19, 2005, was cancelled. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

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

Thomson West \$ 557.20

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to grant authorization for Tim Sandusky to attend the Federal Railroad Administration Region 6 Conference to be held in Lake of the Ozarks, Missouri, from June 12-17, 2005 with all expenses to be paid by the FRA. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to approve the Executive Director's recommendation to continue the Public Advocate Services Agreement. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, 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 10:58 a.m.

Motion made by Commissioner Lowell 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 11:05 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation to make an offer for the position of Motive Power and Equipment Inspector. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE

The meeting adjourned at 11:09 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on May 24, 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 May 23, 2005.

Chairman

Executive Director