

Chairman Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present, Commissioner Rod Johnson excused.

#### GENERAL ADMINISTRATION

Notice was duly published August 2, 2005 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 9, 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, August 9, 2005:

C-3381/ Commission Hearing Room, Lincoln.  
DC-70 In the Matter of the Commission, on its own motion, seeking  
1:30 to enter a show cause order against those telecommunication  
companies that have not filed their 2004 Annual Reports.  
Commissioner Vap presiding as Hearing Officer.

#### Wednesday, August 10, 2005:

C-3429 Commission Hearing Room, Lincoln.  
10:00 In the Matter of Sprint Communications Company L.P.  
(Sprint), Overland Park, Kansas, seeking arbitration under  
the Telecommunications Act for certain issues associated  
with the proposed interconnection agreement between Sprint  
and Southeast Nebraska Telephone Company. Commissioner  
Landis presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, seeking  
to administer the Nebraska Internet Enhancement Fund:  
Motion made by Commissioner Anne Boyle, seconded by Commissioner  
Lowell Johnson, to enter an order granting extension of the commence-  
ment date for Cheyenne, Box Butte and Dawes Counties. Motion passed  
with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry  
Vap voting AYE, Commissioner Rod Johnson excused not voting.

C-3381\ In the Matter of the Commission, on its own motion, regard-  
DC-70 ing the 2004 Annual Report Filings: Motion made by Commis-  
sioner Lowell Johnson, seconded by Commissioner Anne Boyle,  
to enter an order for dismissal in part. Motion passed with Commis-  
sioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting  
AYE, Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3411 In the Matter of Lightyear Network Solutions, LLC, Louisville, Kentucky, seeking authority to provide resold and facilities-based local exchange service within the state of 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, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson excused not voting.

C-3436 In the Matter of NOW Communications, Inc., Winter Park, Florida, seeking to withdraw its authority to operate as an interexchange carrier and local exchange carrier of telecommunications services previously granted in Dockets C-2230 and C-2712: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson excused not voting.

C-3440 In the Matter of Blair Telephone Company, Blair, seeking authority to issue long-term indebtedness: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson excused not voting.

C-3464/  
PI-105 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 Thayer county for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order to open the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson excused not voting.

C-3429 In the Matter of Sprint Communications Company L.P., Overland Park, Kansas, seeking arbitration under the Telecommunications Act of certain issues associated with the proposed interconnection agreement between Sprint and Southeast Nebraska Telephone Company, Falls City: Shana Knutson reported on Sprint's filing of a Motion in Limine, the Hearing Officer's decision on that motion, and Sprint's filing of a motion to strike the testimony of Mr. Watkins with the Hearing Officer denying said motion.

UNIVERSAL SERVICE FUND

NUSF-48/  
PI-104 In the Matter of the Commission, on its own motion, seeking to investigate issues related to providing dedicated universal service support for wireless telecommunications services: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order opening the docket, requesting written comments due September 2, 2005 and scheduling a hearing for September 27, 2005 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

SC-005/  
DC-66 In the Matter of Maurice Gene Hand, Director, Communications Department and Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainants, v. Protel Advantage, Inc., dba Long Distance Savings, Defendant: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order dismissing the NUSF portion of this complaint for the late-filed worksheets of July, 1999 through May, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to levy a late fee against GE/Business Productivity Solutions, Cambridge Telephone Company, Comcast Business Communications, Pinpoint Communications, Pinpoint Wireless, Sagir, Inc., and Virgin Mobile and that the late-fee against Hemingford Cooperative be waived. Complaints are to be entered against Bullseye Telecom, Inc., LDMI Telecommunications, Sometown Telephone Company, Worldxchange Corporation/Acceris and Trinsic/Z-Tel Communications and the current complaint against Norstan should be amended to include the June, 2005 late-filed worksheet. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

E911 DEPARTMENT

FCC WC-  
05-196 In the Matter of IP-Enabled Services E911 Requirements for IP-Enabled Service Providers: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, seeking approval for FCC comments. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson excused not voting.

Kara Thielen reviewed the processes related to Phase I implementation and discussed the Lincoln 911 Center Phase I cost.

E911 DEPARTMENT (Cont.)

Kara Thielen discussed payment issues and resolutions regarding the following wireless carriers: Nextel, Verizon, Qwest PCS, Alltel, Indigo, TCS/Cricket and Viaero.

NATURAL GAS DEPARTMENT

NG-0004.1 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking a waiver of the 30-day notice period under *Neb. Rev. Stat.* 66-1854 and to recover the gas cost portion of uncollectible accounts through its Gas Cost Adjustment tariff. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the Public Advocate Petition to Formally Intervene and Notice of Assessment. A telephonic planning conference was scheduled for August 12, 2005, at 9:30 a.m. The telephone bridge number is (402) 472-6292. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NG-0031 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking authority for Limited Cost Recovery in the State of Nebraska: Angela Melton informed the Commission that notice was published August 2, 2005, providing September 1, 2005, as the protest/intervention date. Commissioner Landis was appointed as Hearing Officer.

RULES AND REGULATIONS

Rule and Regulation #166 In the Matter of the Commission, on its own motion, seeking Dealer Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bills 52, 439 and 492 [2005]: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT

B-1665 In the Matter of Jim Blundell dba MG Taxi Service, York, seeking to acquire, through transfer, the authority granted to Modesto Gonzalez, dba M.G. Taxi Service, in Certificate B-1387: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application and revoking Certificate B-1387. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry voting AYE, Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1667 In the Matter of Katman Express, Crete, seeking authority as a common carrier in Nebraska intrastate commerce in open class service in the transportation of passengers and their baggage between points in Farmland Foods processing plant at South Highway 103. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused not voting.

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 52 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-265 Diller Grain Co., Inc. dba Searcey Grain Co., Elk Creek: Wheat and soybeans.

GW-731 Farmers Cooperative Grain Company, Merna: Soybeans.

GW-1136 Central Valley Ag Cooperative, Nonstock, Elgin: Wheat and oats.

GW-1599 Alvo Grain and Feed, Inc., Alvo: Soybeans.

GW-265 In the Matter of Diller Grain Co., Inc. dba Searcey Grain Co., Elk Creek, seeking cancellation of its Grain Warehouse License: Application was granted effective August 1, 2005.

GW-852 In the Matter of John A. Fecht, Director, Warehouse Department, v. Spalding Cooperative Elevator Company, Spalding, GWC-408 Defendant: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an Order approving a stipulation; dismissing the complaint and canceling the hearing scheduled for September 7, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused not voting.

GW-2089 In the Matter of Employers Mutual Casualty Company seeking cancellation of its Continuous Grain Dealer Bond T223615 in the amount of \$35,000.00, issued on behalf of Winside Grain & Feed, Inc., Winside: Application was granted effective July 6, 2005.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

John Fecht discussed the schedule for the Grain Warehouse informational conference scheduled for August 22, 2005 at the following locations:

2:00 - 5:00 PM Mountain Time

Alliance: Box Butte General Hospital, 2102 Box Butte Avenue, Hemingford Room.

Chadron: Chadron Community Hospital, 821 Morehead Street

Scottsbluff: Regional West Medical Center (Hospital), 4021 Avenue B, Monument Room

Sidney: Memorial Health Center (Hospital), Ray Cruz Conference Room, 645 Osage Street

3:00 - 6:00 PM Central Time

Hastings: Public Library, 2<sup>nd</sup> Floor, 517 West 4<sup>th</sup> Street.

Kearney: UNK (University of Nebraska-Kearney), Communications Center Building, Room 250, 1918 University Drive.

Lincoln: Nebraska Public Service Commission, Library, 300 The Atrium, 1200 N Street.

McCook: McMillen Hall, Room 208, 1205 East 3<sup>rd</sup> Street.

Norfolk: Faith Regional Health Services, West Campus, Norfolk Room, 2700 West Norfolk Avenue

North Platte: West Central District Health Department, Board Room, 111 North Dewey.

The following is the call-in number for those wanting to participate by telephone: 1-877-229-1563. At the prompt enter Code 08220558.

Grain Dealer Division

GD-2844 In the Matter of Hinrichs Trading, L.L.C., Pullman, Washington, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending March 31, 2006: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson excused not voting.

GENERAL ADMINISTRATION

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

DAS Personnel	\$	769.50
Kent Pribyl		768.18
DAS Materiel-Copy Services		2,101.97

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	1,795.00
Associated Hearing Health Care	1,421.65
Askarben TDD Service	911.70
Beltone Hearing Aid Center	973.40
Grand Island Hearing Aid Center	1,018.76
Harris Communications	230.90
Hearing Aid Specialists	336.00
Carl A. Johnson	3,258.90
Johnson Hearing Aid Service	769.45
K-D Communications	6,785.90
Professional Hearing Aid Services	2,194.50
R & J Enterprises	624.25
Sherard Hearing Aid Center	1,459.90
Teltex	1,114.55
Weitbrecht Communications	1,904.90

Upon agreement of all Commissioners present, authorization was granted for Angela Melton and Tyler Frost to attend the National Association of Regulatory Utility Commissioners (NARUC) Utility Rate School to be held in Clearwater Beach, Florida, from September 11-16, 2005.

Upon agreement of all Commissioners present, authorization was granted for Commissioners Boyle and Rod Johnson to attend the Qwest Regional Oversight Committee Meeting to be held in Bismarck, North Dakota, from September 17-20, 2005.

Commissioner Landis exited the Commission Hearing Room.

Upon agreement of all Commissioners present, authorization was granted for Gene Hand, Shana Knutson and John Burvainis to attend the Qwest Regional Oversight Committee Meeting to be held in Bismarck, North Dakota, from September 17-20, 2005.

There being no need to address any matters in closed session, the meeting adjourned at 11:10 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present, and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on August 16, 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 August 15, 2005.

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Chairman

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Executive Director