

Vice Chairman Rod Johnson called the regularly scheduled meeting to order at 10:07 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Landis present and Commissioner Vap excused.

GENERAL ADMINISTRATION

Notice was duly published August 30, 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 September 7, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, September 7, 2005:

B-1277 Commission Hearing Room, Lincoln.  
1:30 In the Matter of Mark Breiner, Director, Nebraska Public Service Commission vs. Brian L. Mills, dba Fantasy Limousine, Omaha. Commissioner Boyle presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in the preceding month.

C-3438 In the Matter of Acceris Management and Acquisition, LLC, Minneapolis, Minnesota, seeking authority to acquire certain assets of Acceris Communications Corp: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

C-3442 In the Matter of Acceris Management and Acquisition LLC, Minneapolis, Minnesota, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

C-3444 In the Matter of Encartele, Inc., Omaha, seeking authority to operate as an interexchange carrier of telecommunication services within the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3446/  
PI-100 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 Wayne and Dixon 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 setting an implementation deadline for December 2, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

C-3449 In the Matter of United Telephone Company of the West d/b/a Sprint, Overland Park, Kansas, seeking a Master Inter-connection, Collocation and Resale Agreement with KMC Data, LLC, Lawrenceville, Georgia: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

C-3455 In the Matter of NECC Telecom, Inc., Jeffersonville, Indiana, seeking authority to operate as a resale carrier of telecommunications services within the state of Nebraska: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

C-3379 In the Matter of the Precedential Nature of Orders on Reconsideration Issued in Consolidated Dockets FC-1296 and FC-1297: Shana Knutson updated the Commission on the status of the docket. The hearing previously scheduled for a date later to be determined was rescheduled for October 12, 2005 at 11:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis was appointed as Hearing Officer.

John Burvainis informed the Commission that the TRS Advisory Board meeting scheduled for September 22, 2005, was cancelled.

John Burvainis updated the Commission on bankruptcy filings and on various numbering issues pending at the Federal Communications Commission.

UNIVERSAL SERVICE FUND

NUSF-37.61 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant, vs. 3U Telecom, Inc.: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to dismiss the complaint against 3U Telecom. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

Jeff Pursley discussed the merger of Western Wireless and Alltel and that the affidavit of self-certification for Federal USF support would not be submitted this year.

Jeff Pursley discussed Evercom's remittance reporting and approval of the 10% variances: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve Evercom's month-to-month variances, dependant upon the submission of annual audits. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

E911 DEPARTMENT

911-013/ In the Matter of the Commission, on its own motion, seeking  
PI-96 to investigate collection and remittance of enhanced 911 surcharges by prepaid wireless carriers: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order scheduling a hearing for November 8, 2005 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting. Commissioner Rod Johnson was appointed as Hearing Officer.

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, Omaha: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an Assessment Order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

NG-0007.1 In the Matter of the tariff for natural gas service available in the entire territory served by Aquila, Inc., d/b/a Aquila Networks, Omaha, filed December 22, 2004: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an Assessment Order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

NATURAL GAS DEPARTMENT (Cont.)

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. Commissioner Frank Landis presiding as Hearing Officer: Motions made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to approve the consulting contract for GDS Associates, Inc., grant Petitions for Intervention, and enter an Assessment Order. All motions passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

Angela Melton provided a report on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

RULES AND REGULATIONS

Rule and Regulation to amend Title 291, Chapter 15, Enhanced 911 Rules and #160 Regulations, previously written under Title 291, Chapter 5, Telecommunications, and to adopt rules in accordance with Nebraska Legislative Bill 516 [2005]; adopt current policy standards; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and reprint the chapter in its entirety: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT

B-1277 In the Matter of Mark Breiner, Director, Motor Transportation Department, Complainant vs. Brian L. Mills, dba Fantasy Limousine, Omaha: Commissioner Boyle was appointed as Hearing Officer for the hearing scheduled for September 7, 2005.

M-14131 In the Matter of S & B Enterprises, dba Apartment Movers of Omaha: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order dismissing the show cause and canceling the hearing scheduled for September 13, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

M-14188 In the Matter of Mike's Moving, Inc., Omaha, seeking authority as a common carrier of household goods within 15 miles of the Omaha city limits over irregular routes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

Rate Division

BR-307 In the Matter of Transport Plus, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the adjusted rates and charges as modified, on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

TR-138 In the Matter of Safeway Cabs, Inc., Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an Order Nunc Pro Tunc. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

TR-146 In the Matter of Happy Cab Company, Yellow Cab Company, Checker Cab Company, and Cornhusker Cab Company, Omaha, seeking authority to amend its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the adjusted rates and charges as modified, on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

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 70 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-2093 In the Matter of Employers Mutual Casualty Company seeking  
GD-2093 cancellation of Continuous Public Grain Warehouse Bond  
Numbers S194995 in the amount of \$40,500.00 and S226179 in  
the amount of \$35,000, issued on behalf of Sherman, Inc. dba Sherman  
Feed & Supply, Auburn and Howe: Bonds were cancelled effective  
September 1, 2005.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2113      In the Matter of John A. Fecht, Director, Warehouse Depart-  
GWC-409      ment, Complainant, vs. Aurora Cooperative Elevator Company,  
                 Aurora, Defendant: Motion made by Commissioner Frank  
Landis, seconded by Commissioner Anne Boyle, to enter a complaint,  
order to show cause, and schedule a hearing for October 19, 2005 at  
10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed  
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank  
Landis voting AYE, and Commissioner Jerry Vap excused not voting.  
Commissioner Rod Johnson was appointed as Hearing Officer.

Grain Dealer Division

GD-1722      In the Matter of AMCO Insurance Company seeking cancella-  
                 tion of its Continuous Grain Dealer Bond Number BDA 660946  
in the amount of \$35,000.00, issued on behalf of Butte Farm Supply,  
Inc., Butte: Bond was cancelled effective September 5, 2005.

Commissioner Landis exited the Commission Hearing Room.

GENERAL ADMINISTRATION

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

Robert Bowman	\$ 844.21
Scott Elston	592.45
Fred Massing	504.53
Kent Pribyl	1,141.75
Anne Boyle	486.00
Rod Johnson	671.73

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	2,000.00
Alternative Hearing	2,909.37
Associated Hearing Health Care	278.50
Belton Hearing Center	2,398.45
Grand Island Hearing Aid Center	1,296.87
Hearing Aid Specialists	833.50
Carl A. Johnson	799.10
League of Human Dignity	194.95
Professional Hearing Aid Services	1,529.60
Sherard Hearing Sid Center	989.90
Teltex	215.40
Hearing Clinic Inc.	330.00
Weitbrecht Communications	2,527.35
Western ENT Associates	139.95

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, the following Commission meeting dates were approved for the fourth quarter, 2005:

October: 4, 12, 18, 25  
November: 1, 8, 22, 29  
December: 6, 13, 20

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 and Rod Johnson voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting. The Commission went into closed session at 10:52 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson and Rod Johnson voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting. The Commission returned to open session at 10:57 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve the Executive Director's recommendation to offer the attorney position to a qualified candidate. Motion passed with Commissioners Anne Boyle, Lowell Johnson and Rod Johnson voting AYE, and Commissioners Frank Landis and Jerry Vap excused not voting.

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The meeting adjourned at 10:58 a.m. with Commissioners Boyle, Lowell Johnson and Rod Johnson present, and Commissioners Frank Landis and Jerry Vap excused. The next regularly scheduled meeting will be held on September 13, 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 September 12, 2005.

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Vice Chairman

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Executive Director