

Vice-Chairman Rod Johnson called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Landis present and Commissioner Vap excused

GENERAL ADMINISTRATION

Notice was duly published September 6, 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 at 10:00 a.m. on September 13, 2005 in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, September 14, 2005:

C-3446/ City Council Chambers, City Hall, 306 Pearl, Wayne. Public  
PI-100 Meeting. In the Matter of the Commission, on its own  
10:00 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.

COMMUNICATIONS DEPARTMENT

C-3429 In the Matter of Sprint Communications Company L.P.  
(Sprint), Overland Park, Kansas, petition for arbitration  
under the Telecommunications Act of certain issues associated with the  
proposed interconnection agreement between Sprint and Southeast  
Nebraska Telephone Company, Falls City: Motion made by Commissioner  
Frank Landis, seconded by Commissioner Lowell Johnson, to enter an  
order on the Commission's findings and conclusions of the open  
arbitration issues. Motion passed with Commissioners Lowell Johnson,  
Rod Johnson and Frank Landis voting AYE, Commissioner Anne Boyle  
voting NAY, and Commissioner Jerry Vap excused not voting.

C-3456 In the Matter of Eclipse Communications Corporation,  
Issaquah, Washington, seeking to withdraw its Certificate  
of Public Convenience and Necessity to provide local exchange service,  
both on a resale basis and facilities basis within the state of  
Nebraska: Motion made by Commissioner Anne Boyle, seconded by  
Commissioner Frank Landis, to enter an order canceling the  
certificate. 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-3479/  
PI-107 In the Matter of the Commission, on its own motion,  
seeking comment on the establishment and implementation of  
"811" as a statewide three digit calling number reserved  
for access to the Nebraska One-Call Notification System: Motion made  
by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis,  
to enter an order opening the docket. Motion passed with Commis-  
sioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis  
voting AYE and Commissioner Jerry Vap excused not voting.

C-3450 In the Matter of United Telephone Company of the West,  
d/b/a Sprint, Overland Park, Kansas, seeking a Master  
Interconnection, Collocation and Resale Agreement with KMC Telecom V,  
Inc., Lawrenceville, Georgia: Motion made by Commissioner Lowell  
Johnson, seconded by Commissioner Anne Boyle, to enter an order to  
approve 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-3451 In the Matter of United Telephone Company of the West,  
d/b/a Sprint, Overland Park, Kansas, seeking a Master  
Interconnection, Collocation and Resale Agreement with KMC Telecom  
III, LLC, Lawrenceville, Georgia: Motion made by Commissioner Lowell  
Johnson, seconded by Commissioner Anne Boyle, to enter an order to  
approve 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-3458 In the Matter of Qwest Corporation, Denver, Colorado,  
seeking a triennial review order and triennial review  
remand order amendment to the Interconnection Agreement with VCI  
Company, dba Vilaire Communications, Lakewood, Washington, granted in  
Docket C-3273: Motion made by Commissioner Lowell Johnson, seconded  
by Commissioner Anne Boyle, to enter an order to approve 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-3459 In the Matter of Qwest Corporation, Denver, Colorado,  
seeking a triennial review order and triennial review  
remand order amendment to the Interconnection Agreement with XO  
Communications, Salt Lake City, Utah, granted in Docket C-3035:  
Motion made by Commissioner Lowell Johnson, seconded by Commissioner  
Anne Boyle, to enter an order to approve 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-3460 In the Matter of Qwest Corporation, Denver, Colorado, seeking a triennial review order and triennial review remand order amendment to the Interconnection Agreement with NorthStar Telecom, Fremont, granted in Docket C-3261: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order to approve 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-3480/ In the Matter of Mobius Communications Co., Hemingford,  
NUSF-49 seeking designation as an eligible telecommunications carrier that may receive federal and state universal service support: Commissioner Vap was appointed as Hearing Officer.

Gene Hand discussed the status of Qwest's pending forbearance petition filed with the Federal Communications Commission.

UNIVERSAL SERVICE FUND

NUSF-49/ In the Matter of Mobius Communications Company, Hemingford,  
C-3480 seeking designation as an eligible telecommunications carrier that may receive federal and state universal service support: Commissioner Vap was appointed as Hearing Officer.

Jeff Pursley discussed Gold Line Telemanagement of Ontario, Canada, and the payment of international funds.

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 (NTAP): Jeff Pursley reported on the Nebraska Telephone Assistance Program.

NUSF-48 In the Matter of the Commission, on its own motion, seeking  
PI-104 to investigate issues related to providing dedicated universal service support for wireless telecommunications services: Jeff Pursley reported on and distributed a summary of the comments that were due on September 9, 2005.

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 Anne Boyle, 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.

NATURAL GAS (Cont.)

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 Anne Boyle, 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.

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. Frank Landis presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, 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. Shana Knutson reported that Hearing Officer Landis issued a Planning Conference Order September 9, 2005, providing the following timeline to proceed in the docket: Briefs addressing Law and Policy Implicated by Application are due October 7, 2005; Reply Briefs are due October 17, 2005; and an Oral Argument was scheduled for October 19, 2005, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT

B-1277 In the Matter of Brian L. Mills, dba Fantasy Limousine, Omaha: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an Order to sustain Show Cause and revoke their Certificate of Public Convenience and Necessity. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE and Commissioner Jerry Vap excused not voting.

Rate Division

TR-147 In the Matter of Mary L. Saighman, dba E & M Yellow Cab Co., North Platte, seeking authority to adjust its rates and charges: 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, Rod Johnson and Frank Landis voting AYE and Commissioner Jerry Vap excused not voting.

TRANSPORTATION DEPARTMENT (Cont.)

TR-149 In the Matter of Ronald D. or Darlene R. Allgood, dba Tree City Cab Company, Nebraska City, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to deny the request for emergency rates and that the application be processed in accordance with standard procedure. 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 decreased to 66 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht discussed legal proceedings.

Grain Dealer Division

GD-2093 In the Matter of Sherman, Inc., dba Sherman Feed & Supply, Auburn, seeking cancellation of its Grain Dealer License: The license was cancelled effective August 26, 2005.

GD-2847 In the Matter of Premier Grain Marketing, Inc., Sidney, seeking cancellation of its Grain Dealer License: The license was cancelled effective May 1, 2005.

GENERAL ADMINISTRATION

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

|                          |    |          |
|--------------------------|----|----------|
| Ted Burkey               | \$ | 4,128.75 |
| Liberty Consulting Group |    | 4,044.41 |
| NARUC                    |    | 8,193.00 |

Upon agreement of all Commissioners present, authorization was granted for Fred Massing to travel to Clay Center, Kansas on September 13, 2005, to conduct a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed by Wardcraft Homes.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to go into closed session to discuss legislative, investigatory and personnel matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE and Commissioner Jerry Vap excused not voting. The Commission went into closed session at 10:36 a.m.

Commissioner Landis exited the Commission Hearing Room before the end of the closed session.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, 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 11:09 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve the Executive Director's recommendation on a personnel matter. 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 11:11 a.m. with Commissioners Boyle, Lowell Johnson and Rod Johnson present and Commissioners Landis and Vap, excused. The next regularly scheduled meeting will be held on Wednesday, September 21, 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 Tuesday, September 20, 2005.

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Vice-Chairman

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Executive Director