

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

#### GENERAL ADMINISTRATION

Notice was duly published February 28, 2006 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held March 7, 2006 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, March 7, 2006:

C-3530 Commission Hearing Room, Lincoln.  
1:30 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System to be effective July 1, 2006, in the state of Nebraska. Commissioner Rod Johnson presiding as Hearing Officer.

#### Monday, March 13, 2006:

E-911 Commission Library, Lincoln.  
1:00 E-911 Advisory Board Meeting.

#### COMMUNICATIONS DEPARTMENT

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

C-3351 In the Matter of DIECA Communications, Inc., d/b/a Covad Communications Company, San Jose, California, seeking arbitration of an Interconnection Agreement with Qwest Corporation, Denver, Colorado: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the arbitrated agreement. 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 Company, Hemingford,  
NUSF-49 seeking designation as an eligible telecommunications carrier that may receive federal and universal service support. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3448/ In the Matter of Allo Communications, LLC, Imperial;  
NUSF-46/ Mobius Communications Company, Hemingford; and Pinpoint  
PI-102 Communications, Inc., Cambridge, seeking a docket to  
investigate findings and conclusions under C-2516 and  
NUSF-26 regarding competitive business telecommunications services.  
Commissioner Jerry Vap presiding as Hearing Officer: Motion made by  
Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to  
enter an order granting interim relief on a limited basis and closing  
the docket. Motion passed with Commissioners Lowell Johnson, Rod  
Johnson and Frank Landis voting AYE, Commissioner Anne Boyle present  
not voting, and Commissioner Jerry Vap excused not voting.

C-3497 In the Matter of Alltel Communications of Nebraska, Inc.,  
Little Rock, Arkansas, seeking designation as an eligible  
telecommunications carrier Pursuant to Section 214(e)(2) of the  
Communications Act of 1934. Commissioner Frank Landis presiding as  
Hearing Officer: Motion made by Commissioner Frank Landis, seconded  
by Commissioner Rod Johnson, 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.

C-3519 In the Matter of Big River Telephone Company, LLC, Cape  
Girardeau, Missouri, seeking authority to operate as a  
local exchange and interexchange carrier of telecommunication services  
within the state of Nebraska. Commissioner Frank Landis presiding as  
Hearing Officer: Motion made by Commissioner Frank Landis, seconded by  
Commissioner Rod Johnson, 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.

C-3559/ In the Matter of the Commission, on its own motion, seeking  
DC-72 the 2005 Annual Report filings: Motion made by Commis-  
sioner Rod 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-3206 In the Matter of the Commission, on its own motion, seeking  
to administer the Nebraska Internet Enhancement Fund. Com-  
missioner Rod Johnson presiding as Hearing Officer: Gene Hand informed  
the Commission of the scheduled NIEF Advisory Board meeting scheduled  
for March 23, 2006, at 1:30 p.m. in the Commission Library, Lincoln,  
with a video link to the Alliance Learning Center, Room 123, 1750  
Sweetwater Street, Alliance.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reviewed the upcoming public meetings schedule regarding the Omaha Public Power District's route for a new transmission line that is being built to connect a new power plant under construction near Nebraska City with a new substation southeast of Lincoln. The first meeting will be held on March 7th at 7:00 p.m. at Lux Middle School, 7800 High Street, Lincoln. The other meetings will be held at 7:00 p.m. on March 9<sup>th</sup> at Syracuse High School, 1500 Education Drive, Syracuse; and March 16th at Nebraska City High School, 141 Steinhart Park Road, Nebraska City. Mr. Hand also indicated the application for authority to construct, operate and maintain this transmission line will be filed with the Commission this week.

Gene Hand reviewed the recent announced proposed merger of AT&T and Bell South.

UNIVERSAL SERVICE FUND

NUSF-46/ In the Matter of the Joint Petition of Allo Communications, C-3448/ LLC, Mobius Communications Company and Pinpoint Communications, Inc., Hemingford, seeking to investigate Findings PI-102 and Conclusions under C-2516 and NUSF-26 regarding competitive business telecommunications services. Commissioner Vap presiding as Hearing Officer: An order was entered under the Communication's agenda.

NUSF-47 In the Matter of Orbitcom, Inc., requesting universal service support for supported services provided in Qwest exchanges. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting limited interim support. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

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 presiding as Hearing Officer: An order was entered under the Communication's agenda.

NUSF-1, In the Matter of the Commission, on its own motion, seeking PI #7 to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to grant a credit in the amount of \$54,344.70 due Qwest for remittance overpayments which were included in Qwest's 2004 Remittance Audit. 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

NG-0012.1 In the Matter of the Public Alliance for Community Energy (ACE), Lincoln, seeking additional authority as a Competitive Natural Gas Provider to serve the entire state of Nebraska. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

NG-0034 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking authority for Gas Cost Adjustment "Fixed Price Option Pilot Program" for residential customers in all Aquila rate areas in the state of Nebraska. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

Laura Demman reported on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

LEGISLATIVE REPORT

Angela Melton reported on the status of current legislation affecting the Commission.

TRANSPORTATION DEPARTMENT

MCC-3157 In the Matter of Mark Breiner, Director, Motor Transportation Department, vs. Abbott Transportation, Inc., JNS Limo Service, Katman Express, Graebel/Omaha Movers, Inc., Hanson Transfer, Inc., and Transfer 88: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an Order To Show Cause and schedule a hearing for April 11, 2006, 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 Boyle was appointed as Hearing Officer.

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 58 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-279 Farmers Cooperative, Plymouth: White corn and oats  
GW-1743 Farmers/Ranchers Cooperative Association of Ainsworth:  
Corn  
GW-2170 Archer Grain Company, Archer: Corn

Grain Dealer Division

GD-2686 In the Matter of John A. Fecht, Director, Grain Warehouse Department, Complainant, v. McNally Trucking, Inc., Ainsworth, Defendant: John Fecht reported, and the Commission discussed, the filing of a complaint.

GD-2704 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, v. Riada Trading Co., Inc., Wichita, Kansas, Defendant: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an Order Approving Stipulation and Dismissing Complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, 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	\$ 1,755.00
Voyager	1,255.82
Robert Bowman	787.37
Scott Elston	649.93
Maurice Gene Hand	1,780.42
Kent Pribyl	905.82
Anne Boyle	267.00
Lowell Johnson	188.72
Rod Johnson	655.12

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	5,067.10
Alternative Hearing	2,459.03
Associated Hearing Health Care	267.50
B Hear Inc.	939.70
Beltone Hearing Aid Center	1,134.25
Grand Island Hearing Aid Center	1,216.80
Hearing Aid Specialists Inc.	388.00
Carl A. Johnson Jr.	1,045.35

GENERAL ADMINISTRATION (Cont.)

K-D Communications	\$ 6,872.95
McCook Pharmacy & Medical Supply	551.10
Professional Hearing Aid Services	919.90
Sherard Hearing Aid Center	1,279.80
Teltex	865.50
Weitbrecht Communications	2,306.40
Western ENT Associates	119.95

Upon agreement of all Commissioners present, authorization was granted for Angela Melton to attend training sponsored by the Nebraska Mediation Center Association and Nebraska Office of Dispute Resolution Training Institute from May 9-12, 2006 at the Hruska Law Center, 635 South 14th Street, Lincoln.

Motion made by Commissioner Anne Boyle to cancel the Commission meeting scheduled for March 29, 2006. Commissioner Boyle withdrew the motion.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to go into closed session to discuss personnel and investigatory 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 10:34 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 and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting. The Commission returned to open session at 10:44 a.m.

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The meeting adjourned at 10:45 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Landis present and Commissioner Vap excused. The next regularly scheduled meeting will be held on March 14, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on March 13, 2006.

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Chairman

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Executive Director