

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

GENERAL ADMINISTRATION

Notice was duly published April 25, 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 May 2, 2006 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, May 3, 2006:

10:00 Commission Hearing Room, Lincoln
Pooling Implementation Meeting

COMMUNICATIONS DEPARTMENT

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

C-3304 In the Matter of Touchtone Communications, Inc., Whippany, New Jersey, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order dismissing the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3573 In the Matter of Great Plains Broadband, Inc., Blair, seeking authority to provide facilities-based competitive local exchange telecommunications services within the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3540 In the Matter of Qwest Corporation, Denver, Colorado, seeking an amendment to the wireline interconnection agreement with SBC Long Distance, Inc., f/k/a Southwestern Bell Communications Services, Dallas, Texas, previously granted in C-3284: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3541 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and Triennial Review Remand Order Amendment with Metropolitan Telecommunications of Nebraska, Inc., New York, New York, wireline adoption agreement pending before the Commission in Docket C-3538: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3548 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an amendment to the wireline interconnection agreement with DIECA Communications, San Jose, California, Inc., d/b/a Covad Communications Company previously approved in C-2325: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3555 In the Matter of Citizens Telecommunications Company of Nebraska, Mound, Minnesota, seeking an interconnection agreement with Alltel Communications of the Midwest, Inc., Little Rock, Arkansas: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3556 In the Matter of Qwest Corporation, Denver, Colorado, seeking digital subscriber line amendment to the interconnection agreement with New Edge Network, Inc. d/b/a New Edge Networks, Vancouver, Washington, previously approved in Docket C-2799: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3557 In the Matter of Qwest Corporation, Denver, Colorado, seeking triennial review order and triennial review remand order amendment to the interconnection agreement with New Edge Networks, Vancouver, Washington previously approved in Docket C-2799: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2109 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Frontier, Lincoln and Red Willow Counties: 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, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E-2110 In the Matter of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Platte County: 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, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

E-2111 In the Matter of Cornhusker Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Boone County: 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, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Gene Hand reported on his April 26, 2006, presentation given to the Broadband Services Task Force (LB 645) on the current status of broadband in Nebraska.

Gene Hand reviewed the recommended response to the Notice of Proposed Rule Making in FCC 06-14 that provided Nebraska and four other states delegated authority to implement Thousands-Block Number Pooling and requested input from the Commissioners. Comments are due May 15, 2006, with reply comments due on June 13, 2006: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve filing comments as drafted. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

DC-71/
NUSF-53 In the Matter of Maurice Gene Hand, Director, Communications Department and Jeffrey L. Pursley, Director, Universal Service Fund Department, Complainants, v. Qwest Corporation, Respondent. Commissioner Vap presiding as Hearing Officer: Gene Hand informed the Commission that Hearing Officer Vap scheduled a prehearing conference for 1:15 p.m. on May 2, 2006 in the Commission Library, Lincoln.

UNIVERSAL SERVICE FUND

NUSF-52 In the Matter of the Commission, on its own motion, seeking to enter a Show Cause against Acceris Communications Corporation, San Diego, California, as to why its Certificate of Public Convenience and Necessity should not be revoked and should not be assessed administrative penalties. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order sustaining the complaint and revoking the carrier's Certificate of Public Convenience and Necessity. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-1, PO #5 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve waiving penalties against Glenwood Telephone, Glenwood; Northeast Central Telephone, Gibbon; Southeast Nebraska Telephone, Falls City; Cambridge Telephone, Cambridge, and Great Plains Communications, Blair, for failure to file monthly access line counts from February 2001 through December 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-51/
PI-67 In the Matter of the Commission, on its own motion, seeking to investigate telecommunications infrastructure development in Nebraska. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to waive penalties against those companies that did not timely submit broadband surveys. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-7.07 In the Matter of Qwest Corporation, Omaha, seeking issuance by the Commission of an Order waiving certain requirements in the Opinion and Findings in Application C-1628 associated with the Nebraska Universal Service Fund (NUSF) support calculation in the transition period. Commissioner Landis presiding as Hearing Officer: Jeff Pursley discussed the Hearing Officer's Order of April 26, 2006 scheduling various deadlines for discovery and testimony and scheduling a hearing for June 27, 2006 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26. Commissioner Landis presiding as Hearing Officer: Jeff Pursley discussed the Hearing Officer's Order of May 1, 2006 granting AT&T Communications of the Midwest's councils' motion for Admission Pro Hac Vice.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to levy a late-fee against Airespring, Inc., Van Nuys, California and that Complaints be filed against Sodtown Telephone, Shelton and T-Netix, Inc., Dallas, Texas. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0035/ In the Matter of the Commission, on its own motion, seeking
PI-115 to investigate the interactions among aggregators, sup-
pliers and jurisdictional utilities operating a customer
choice program: Motion made by Commissioner Rod Johnson, seconded by
Commissioner Anne Boyle, to enter an order opening the docket and
seeking comments. Motion passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commis-
sioner Vap was appointed Hearing Officer.

In the Matter Kinder Morgan, Inc., Lakewood, Colorado,
seeking an extension until May 30, 2006, to file the 2005 Annual
Report: Motion made by Commissioner Frank Landis, seconded by Commis-
sioner Anne Boyle, to approve Kinder Morgan's request for an extension
until May 30, 2006, to file the 2005 Annual Report. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis and Jerry Vap voting AYE.

Laura Demman reported that NorthWestern Corporation, Sioux
Falls, South Dakota, announced that an agreement was reached to sell
the company to Babcock & Brown Infrastructure. The Commissioners
discussed a future meeting with representatives of both companies.

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

TRANSPORTATION DEPARTMENT

B-1687 In the Matter of Eppley Transportation Services, Inc.,
Omaha, seeking to acquire, through transfer, the Certifi-
cate held by Abbott Transportation, Inc., in Certificate B-1505:
Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod
Johnson, to enter an order granting temporary authority. Motion
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,
Frank Landis and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-314 In the Matter of MAVM Ventures, Inc., d/b/a A & B Shuttle, Omaha, seeking authority to amend its open class rates for its use: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to deny the proposed order to amend the rate on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Lowell Johnson voting NAY.

BR-315 In the Matter of Midwest Special Services, Curtis, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application as amended on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TR-154 In the Matter of Daniel W. Sindt and Susan L. Sindt, d/b/a Kearney Cab Company, Kearney, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

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 retained at 70 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-419 In the Matter of Farmers Union Cooperative Association of Wolbach, seeking cancellation of its Grain Warehouse License: The request was granted.

GW-731 In the Matter of Farmers Cooperative Company, Merna: John Fecht discussed the shortage of wheat.

GENERAL ADMINISTRATION

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

GENERAL ADMINISTRATION (Cont.)

DAS - Communications	\$ 3,580.46
DAS - Materiel	788.85
Executive Travel	563.10
Fred Massing	1,110.79
Anne Boyle	427.20
Lowell Johnson	188.72
Rod Johnson	265.63
Rod Johnson	479.72

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

B Hear	132.95
Beltone Hearing Aid Center	1,452.15
Hearing Clinic Inc.	340.00
Carl A. Johnson Jr.	25.00
Professional Hearing Aid Services	734.80
Sherard Hearing Aid Center	322.90
Weitbrecht Communications	629.35
Grand Island Hearing Aid	765.00

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve Commission minutes for the month of April 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Upon agreement of all Commissioners, authorization was granted for Gene Hand to attend the National Association of Regulatory Utility Commissioners Summer Conference to be held in San Francisco, California, from July 27-August 2, 2006.

Upon agreement of all Commissioners, authorization was granted for Jeff Pursley to attend the Federal/State Universal Service Joint Board Meeting to be held in Nashville, Tennessee, from June 7-9, 2006.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to ratify the Executive Director's confirmation of the terms of the Engagement Agreement between the Public Advocate and its consultant, Dahlen, Berg & Co., as to form and content of compensation and billing processing arrangements and modified fee schedule. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to ratify the Memorandum of Agreement with the Nebraska Soybean Board to provide audits of first purchasers of soybeans. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod 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 10:48 a.m.

Motion made by Commissioner Jerry Vap, 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 11:10 a.m.

The meeting adjourned at 11:10 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on Wednesday, May 10, 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 Tuesday, May 9, 2006.

Chairman

Executive Director