

Chairman Landis called the regularly scheduled meeting to order at 1:35 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published January 2, 2002, on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on January 8, 2002, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Lowell Johnson moved to elect Commissioner Boyle as Chair of the Commission. Commissioner Landis seconded the motion. Upon agreement of all Commissioners, Commissioner Boyle was elected Chair.

Commissioner Lowell Johnson moved to elect Commissioner Vap as Vice Chair of the Commission. Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners, Commissioner Vap was elected Vice Chair.

GENERAL ADMINISTRATION

Rules and Regulations

Rule and Regulation #153 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to rewrite the chapter in its entirety and format per Secretary of State requirements: Upon agreement of all Commissioners, an order was entered opening the docket and seeking comments until March 8, 2002.

PIPELINE DEPARTMENT

P-0004 In the Matter of Peoples Natural Gas, Omaha, seeking resolution of a dispute under Neb. Rev. Stat. §57-1306: Laura Davenport informed the Commission that the application was filed on December 21, 2001. The Statement of Satisfaction is due January 9, 2002, or an answer is due on or before January 14, 2002.

TRANSPORTATION DEPARTMENT

B-1121 In the Matter of Happy Cab Co., dba Checker Cab Co., Omaha, seeking Commission approval to institute the use of an alternate vehicle to augment its taxicab fleet: Upon agreement of all Commissioners, approval was granted and the rule waived.

TRANSPORTATION DEPARTMENT (Cont.)

B-1122 In the Matter of Happy Cab Co., dba Yellow Cab Co., Omaha, seeking Commission approval to institute the use of an alternate vehicle to augment its taxicab fleet: Upon agreement of all Commissioners, approval was granted and the rule waived.

B-1432 In the Matter of Rolland C. Gressley, dba Aquila Limo Service, Rockville, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1432 until January 10, 2003: Upon agreement of all Commissioners, the application for suspension was granted.

B-1549 In the Matter of Blaine Rentals, Inc., dba The Panhandle Runaround, Chadron, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by sedan and/or minivan between points in Dawes, Sioux, Sheridan, Morrill, Box Butte, Scotts Bluff, and Banner counties and between points in said counties on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Commissioner Vap moved to deny the Motion for Rehearing and/or Reconsideration and Commissioner Lowell Johnson seconded the motion. Commissioners Boyle, Lowell Johnson, Rod Johnson and Vap voted aye and Commissioner Landis voted nay. The motion passed and the Motion for Rehearing and/or Reconsideration was denied.

PI-51 In the Matter of the Commission, on its own motion, seeking to open a docket for the purpose of collecting information and examining whether the Commission should recommend to the Transportation and Telecommunications Committee of the Nebraska Legislature removal of the public convenience and necessity requirement provided at Neb. Rev. Stat. Section 75-311(1)(b) (Reissue 1996) for any class of motor transportation service: Commissioner Landis moved to enter an order issuing a recommendation and Commissioner Lowell Johnson seconded the motion. Commissioners Lowell Johnson, Rod Johnson, Landis and Vap voted aye and Commissioner Boyle voted nay. The motion passed and an order was entered issuing a recommendation.

M-14165 In the Matter of M & L Deliveries, Inc., Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce for Oak Express in the transportation of household goods from points originating at the facilities of Oak Express in Omaha to points in Cass, Dodge, Douglas, Lancaster, Sarpy, Saunders, and Washington counties over irregular routes under continuing contracts with Oak Express: Upon agreement of all Commissioners, the Order to Show Cause was sustained and the application dismissed.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-269 In the Matter of MAVM Ventures, Inc., dba A & B Shuttle, Omaha, seeking authority to amend its zone rates to and from Eppley Airfield, establish zone rates between points within the Omaha metropolitan area, amend its van charter service rates, and re-define its rate zones: Upon agreement of all Commissioners, the application was granted.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at two cents per mile and the taxi surcharge per trip was retained at zero.

GRAIN WAREHOUSE DEPARTMENT

GW-14 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-530 in the amount of \$136,600.00, issued on behalf of Laurel Feed & Grain Co., Laurel: The application was granted effective January 1, 2002.

GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick and
GW-2151 O'Neill, seeking to increase the deductible on its stock insurance to \$25,000.00: The application was granted.

GW-798 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-427 in the amount of \$168,800.00, issued on behalf of Cadams Grain & Lumber Company, Cadams and Abdal: The application was granted effective January 1, 2002.

GW-2094 In the Matter of Tri County Feed & Grain, Inc., Randolph, seeking to buy the grain represented on lost Public Grain Warehouse Receipt No. B650693: The application was granted.

GW-2117 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-948 in the amount of \$25,000.00, issued on behalf of James K. Balke dba Dawson Ag Center, Dawson: The application was granted effective January 1, 2002.

Grain Dealer Division

GD-2806 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Ware-

house Bond No. 13-4-1005 in the amount of \$150,000.00, issued on behalf of Miller Grain Company, Inc., Salina, Kansas: The application was granted effective January 7, 2002.

COMMUNICATIONS DEPARTMENT

AD-280 In the Matter of American Dial of Texas, Inc., Hurst, Texas, seeking authority to connect an automatic dialing-announcing device: Upon agreement of all Commissioners, the application was granted.

FC-1291 In the Matter of Talent Plus, Inc., Lincoln, vs. Global Crossing Telecommunications, Minneapolis, Minnesota, alleging unfair billing: Upon agreement of all Commissioners, an order was entered to dismiss the complaint.

FC-1294 In the Matter of RVW, Inc., Columbus, Nebraska, vs. MCI WorldCom Communications, Inc., Denver, Colorado, alleging unfair billing: Upon agreement of all Commissioners, the Motion to strike, filed by MCI WorldCom, was granted in part and denied in part.

C-1830/ In the Matter of US West Communications, Inc., Denver, Colorado, seeking authority to file its notice of intention to file Section 271(c) application with the Federal Communications Commission (FCC) and request for the Commission to verify US West compliance with Section 271(c) and Qwest Corporation, Denver, Colorado, seeking approval of its revised statement of generally available terms (SGAT) pursuant to Section 252(f) of the 1996 Telecommunications Act: Upon agreement of all Commissioners, Progression Order No. 26 was entered setting the dates for future actions in this docket. Proposed Group 5 order was entered approving Qwest's SGAT in part.

C-2548 In the Matter of the petition from residents of the Leigh exchange, requesting extended area service (EAS) to the Columbus exchange, both served by Citizens Telecommunications Company of Nebraska: Upon agreement of all Commissioners, the proposed ballot and letter to customers were approved.

C-2622 In the Matter of United Systems Access Telecom, Inc., Kennebunk, Maine, seeking authority to provide resold interexchange telecommunications services within the state of Nebraska and approval of transfer of the customer base of Essential.com: Upon agreement of all Commissioners, the application was granted.

C-2627 In the Matter of NTERA, Inc., Miami, Florida, seeking authority to provide resold and facilities-based local exchange and interexchange telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, a Nunc Pro Tunc order was entered.

C-2629 In the Matter of Frontier Communications of America, Inc.

and Citizens Communications Company, both of Burnsville, Minnesota, seeking authority to transfer control to Citizens Communications Company: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2632 In the Matter of Weston Telecommunications, L.L.C., Richfield, Ohio, seeking authority to obtain a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services and for approval of its initial tariff: Upon agreement of all Commissioners, the application was granted.

C-2634 In the Matter of Viatel Services, Inc., New York, New York, seeking to cancel its certificate of authority to provide telecommunications services in Nebraska and withdrawal of its tariff on file with the Commission effective May 2, 2001: Upon agreement of all Commissioners, the application was granted.

C-2635 In the Matter of Direct One L.L.C., Santa Ana, California, seeking authority to include US Telenet works, L.L.C. and One Rate L.D., L.L.C. as trade names: Upon agreement of all Commissioners, the application was granted.

C-2636 In the Matter of Concert Communications Sales L.L.C., Reston, Virginia, seeking authority for transfer of ownership from joint ultimate ownership by British Telecommunications plc, London, England, and AT&T Corporation, Basking Ridge, New Jersey, to sole ultimate ownership by BT Group plc, London, England, and British Telecommunications plc: Upon agreement of all Commissioners, the application was granted.

C-2638 In the Matter of Telefyne, Inc., Pace, Florida, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2639 In the Matter of Rhythms Links, Inc., Englewood, Colorado, seeking to cancel its certificate of authority to provide telecommunications services in Nebraska and withdrawal of its tariff on file with the Commission: Upon agreement of all Commissioners, the application was granted.

C-2633 In the Matter of WWC License L.L.C., Bellevue, Washington, and ALLTEL Nebraska, Inc., Little Rock, Arkansas, seeking approval of a voluntarily-negotiated Interconnection Agreement: Upon agreement of all Commissioners, the Interconnection Agreement was approved.

C-2637 In the Matter of the joint application of Qwest Corporation,

Denver, Colorado, and Mobius Communications Company, Hemingford, seeking approval of a voluntarily-negotiated wireline Interconnection Agreement: Upon agreement of all Commissioners, the Interconnection Agreement was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1292 In the Matter of the Credit Bureau of Scottsbluff, Inc., vs. Sprint, Inc., alleging violations relating to call blocking: The hearing previously set for January 14, 2002, was continued to March 26, 2002, at 2:00 p.m. via video hearing in the Commission Library, Lincoln, and Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff.

C-1820 In the Matter of Net2000 Group, Inc., Vienna, Virginia, seeking authority to obtain a Certificate of Public Convenience and Necessity to provide intrastate interexchange services in the state of Nebraska: Gene Hand discussed the Chapter 11 notice received on December 17, 2001, from the United States Bankruptcy Court for the District of Delaware.

In the Matter of the FCC Report and Order in CC Docket Nos. 00-199, 97-212 and 80-286 Further Notice of Proposed Rulemaking in CC Docket Nos. 00-199, 99-301 and 80-286: Gene Hand informed the Commission that the notice to carriers regarding the information required to be filed with the 2001 annual reports will address the FCC change in the system of accounts.

Engineering Department

E-1937 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Custer and Lincoln Counties: Upon agreement of all Commissioners, the application was granted.

E-911 DEPARTMENT

WSP-001 In the Matter of Cricket Communications, San Diego, California, seeking approval of their cost plan for E911 cost recovery: Kara Thielen informed the Commission that the first application was filed for funds and also explained areas where there is a discrepancy with the costs.

UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Upon agreement of all Commissioners, an order was entered seeking comments by March 12, 2002. A prehearing conference was set for January 15, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

NUSF-27 In the Matter of Nebraska Technology & Telecommunications, Inc., Lincoln, requesting Universal Service support for supported services provided in Qwest and Citizens exchanges: A pre-hearing conference was set for January 9, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

The meeting adjourned at 2:10 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on January 29, 2002, at 1:30 p.m. with an agenda to be available in the office of the Executive Director at 1:30 p.m. on January 28, 2002.

Chairman

Executive Director