

4987

Chair Boyle called the regularly scheduled meeting to order at 10:04 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present and Commissioner Vap absent.

GENERAL ADMINISTRATION

Notice was duly published January 30, 2002, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on February 5, 2002, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Boyle recognized past Commission Chairs Landis, Lowell Johnson and Rod Johnson.

TRANSPORTATION DEPARTMENT

B-1262 In the Matter of O'Rourke & O'Rourke Buggy Rentals, Inc., Kearney, seeking a name change to O'Rourke & O'Rourke Buggy Rentals, Inc., dba J & M Limousine: Upon agreement of all Commissioners present, an order recognizing applicant's name change was entered.

B-1469 In the Matter of A-1 Ambassador Limousine, Inc., dba Supp. 2 Ambassador Limousine, Lincoln, seeking to extend its authority as a common carrier of passengers and their baggage in Nebraska intrastate commerce between points in Lancaster County, on the one hand, and, on the other hand, points in Nebraska over irregular routes in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof along the most direct route between the points of origin and destination or along a route under the control of the person who hired the vehicle and not over a defined regular route on a prearranged or demand basis at a mileage based or per trip fare. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The hearing previously set for January 30-31, 2002, was continued to February 27, 2002, at 9:00 a.m. in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, 1313 Farnam on the Mall, Omaha; Hastings Public Library, 2nd Floor, 517 West 4th Street, Hastings; and Von Riesen Library, Room 6, 1205 East 3rd Street, McCook.

B-1529 In the Matter of JLRD, Inc., dba Lincoln Limousine, Lincoln, Supp. 2 seeking to extend its authority as a common carrier of passengers and their baggage in Nebraska intrastate commerce By sedan or passenger van, as distinguished from taxicab service, to and from points within the state of Nebraska over irregular routes in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof along the most

direct route between the points of origin and destination or along a
TRANSPORTATION DEPARTMENT (Cont.)

B-1529 route under the control of the person who hired the vehicle
Supp. 2 and not over a mileage based or per trip fare. RESTRICTION:
The transportation of railroad train crews and their baggage
is not authorized: The hearing previously set for January 30-31, 2002,
was continued to February 27, 2002, at 9:00 a.m. in the Commis-
sion Library, Lincoln; Nebraska State Office Building, Room 207, 1313
Farnam on the Mall, Omaha; Hastings Public Library, 2nd Floor, 517 West
4th Street, Hastings; and Von Riesen Library, Room 6, 1205 East 3rd
Street, McCook.

B-1567 In the Matter of Tim Whitney, dba VIP Limousine Service,
Kearney, seeking authority as a common carrier of passengers
in Nebraska intrastate commerce to provide limousine service in luxury
or stretch limousines between points in Buffalo County and between
points in said county on the one hand, and, on the other hand, points
in Nebraska over irregular routes: A hearing was set for February 21,
2001, at 10:00 a.m. in the Commission Library, Lincoln; Kearney Public
Library and Information Center, 2nd Floor, 2020 First Avenue, Kearney,
and the Nebraska State Office Building, Room 207, 1313 Farnam on the
Mall Omaha.

B-1569 In the Matter of Personal Touch & Care Enterprise, Inc.,
Omaha, seeking authority as a common carrier of passengers
in Nebraska intrastate commerce to provide van and sedan service in
open class including clients of the Nebraska Department of Health and
Human Services or subcontractors thereof between points in Douglas and
Sarpy Counties on and east of 144th Street: The hearing previously set
for February 27, 2002, was continued and reset for February 28, 2002,
at 10:00 a.m. in the Commission Library, Lincoln; Nebraska State Office
Building, Room 207, 1313 Farnam on the Mall, Omaha; and Hast-
ings Public Library, 2nd Floor, 517 West 4th Street, Hastings.

B-1441 In the Matter of R & F Hobbies, Inc., dba Prince of the
Supp. 2 Road, Ravenna, seeking to extend its authority as a common
carrier in Nebraska intrastate commerce in open class ser-
vice including clients of the Nebraska Department of Health and Human
Services or subcontractors thereof between points in Nebraska over
irregular routes: The hearing previously scheduled for March 20-21,
2001, was continued and reset for April 18 and 19, 2002, at 10:00 a.m.
in the Commission Library, Lincoln; Hastings Public Library, 2nd Floor,
517 West 4th Street, Hastings; Von Riesen Public Library, Room 6, 1205
East 3rd Street, McCook; and Nebraska State Office Building, Room 207,
1313 Farnam on the Mall, Omaha.

B-1517 In the Matter of Comstock Corporation, dba Action Cab,
Supp. 2 Grand Island, seeking to acquire, through transfer, the
authority granted to Hastings Taxi and Transportation Ser-
vices, L.L.C., Hastings, in Certificate B-1507: A hearing was set for
February 15, 2002, at 1:30 p.m. in the Commission Library, Lincoln;
Hastings Public Library, 2nd Floor, 517 West 4th Street, Hastings; and
Von Riesen Public Library, Room 6, 1205 East 3rd Street, McCook.

TRANSPORTATION DEPARTMENT (Cont.)

B-1572 In the Matter of Mark Hamilton, dba Interstate Security Service, Kearney, seeking authority as a common carrier in Nebraska intrastate commerce for the transportation of prisoners and juvenile offenders in vans and sedans in open class service including clients of Nebraska Department of Health and Human Services between points in Nebraska over irregular routes: A public hearing was set for March 5, 2002, at 2:00 p.m. in the Commission Hearing Room, Lincoln.

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-E: The fuel surcharge was retained at two cents and the taxi surcharge per trip was retained at zero.

GRAIN WAREHOUSE DEPARTMENT

GW-2062 In the Matter of BEEGS, Inc. dba Julian Ag Service, Julian: Upon agreement of all Commissioners present, a Complaint, Order to Show Cause and Temporary Suspension was entered. A hearing was set for March 20, 2002, at 9:30 a.m. in the Commission Hearing Room, Lincoln.

GW-2142 In the Matter of Hallam Grain Co., Hallam: Upon agreement of all Commissioners, a Complaint, Order to Show Cause and Temporary Suspension were entered. A hearing was set for March 20, 2002, at 9:00 a.m. in the Commission Hearing Room, Lincoln.

GW-2161 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-1038 in the amount of \$105,900.00, issued on behalf of Dennis Partners, Inc. dba O'Neill Grain Co., O'Neill and Page: Application was granted effective January 18, 2002.

Grain Dealer Division

The following applicant was granted a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2002:

SECURITY

GD-2840	Dakota Farms International, Ltd., Carpenter, SD	\$ 35,000
---------	--	-----------

COMMUNICATIONS DEPARTMENT

C-1830/ In the Matter of US West Communications, Inc., Denver,
C-2537 Colorado, seeking authority to file its notice of inten-
tion to file Section 271(c) application with the Federal
Communications Commission (FCC) and request for 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 Telecom-
munications Act: Procedural Order No. 27 was entered. Gene Hand pro-
vided the Commission with copies of a presentation prepared by Commis-
sioner Bob Rowe, which provides an overview of the collaborative
efforts underway to ensure compliance with Section 271 of the 1996 Act.

C-2506/ In the Matter of the Public Service Commission, on its own
PI-48 motion, to seek comment on the establishment and implemen-
tation of "511" as a statewide three digit calling number
reserved for access to the Advanced Traveler Weather Information
System (ATWIS): Gene Hand reported on a meeting held at the Nebraska
Department of Roads, wherein the Kansas Department of Transportation
was seeking information on implementation of 511 for the state of
Kansas. Included in that report, it was noted that one wireless
carrier still has not implemented 511 dialing for their customers in
Nebraska. The Commission also discussed the recent announcement that
the 511 system was providing inaccurate information on road conditions
when no specific road reports were provided to the system.

C-2603 In the Matter of Main Street Telephone Company, Blue Bell,
Pennsylvania, seeking authority to obtain a Certificate of
Public Convenience and Necessity to transact the business of a re-
seller of interexchange telecommunications services and for approval of
its initial tariff: Upon agreement of all Commissioners, the
application was withdrawn.

C-2631 In the Matter of Qwest Corporation, Denver, Colorado, and
Now Communications, Lawrenceville, Georgia, seeking approval
of a voluntarily-negotiated resale interconnection agreement: Upon
agreement of all Commissioners, the application was granted.

C-2647 In the Matter of Intrado Communications, Inc., Boulder,
Colorado, seeking authority to obtain a Certificate of
Public Convenience and Necessity to provide competitive local exchange
and interexchange services in the state of Nebraska: Upon agreement of
all Commissioners, the application was granted.

C-2648 In the Matter of the petition of Nebraska Technology & Tele-
communications, Inc., seeking arbitration of the intercon-
nection rates, terms and conditions with Aliant Communications Co., dba
ALLTEL: Gene Hand informed the Commission that the parties were unable

to reach an agreement on selecting an arbitrator. Both parties addressed the Commission. Commissioner Landis moved to designate Laura COMMUNICATIONS DEPARTMENT (Cont.)

C-2648 Davenport as the arbitrator. Commissioner Lowell Johnson seconded the motion. Commissioner Boyle moved to amend the motion by designating Andy Pollock as the arbitrator. The motion died for lack of a second. On the original motion, Commissioners Landis, Lowell Johnson, and Rod Johnson voted aye, Commissioner Boyle voted nay and Commissioner Vap was absent, not voting. The motion passed and Laura Davenport was designated as arbitrator.

C-2662/ In the Matter of the Commission, on its own motion, seeking
PI-55 to investigate Qwest Corporation's local service freeze:
Upon agreement of all Commissioners present, the response to the data request made by the director of the communications department will be treated as proprietary information.

C-2663/ In the Matter of the Commission, on its own motion, seeking
PI-56 to investigate telecommunications companies' release of
customer proprietary network information: Upon agreement of all Commissioners present, the response to the data request made by the director of the communications department will be treated as proprietary information.

C-2664 In the Matter of the petition of Cox Nebraska Telcom, L.L.C. requesting the Commission to issue an order to show cause regarding implementation of Qwest Corporation's proposed local carrier freeze service: Upon agreement of all Commissioners present, an order was entered to address local carrier freeze issues in Docket C-2662/PI-55.

Gene Hand distributed copies of a report the Federal-State Joint Conference on Advanced Services will give to the NARUC Committee on Telecommunications on February 11, 2002.

Gene Hand discussed how the Telecommunications Relay System bids will be evaluated. A workshop is scheduled for February 13, 2002, at 9:00 a.m. in the Commission Library, Lincoln, to review the scoring worksheets with evaluators. The evaluators will be Tanya Wendel, Steve Stovall, Gene Hand and members of the Telecommunications Relay Service Advisory Committee, excluding Commissioner Lowell Johnson.

Gene Hand discussed the notification received regarding the Chapter 11 bankruptcy filing by McLeod USA, Incorporated.

Gene Hand discussed the press release from HunTel Systems regarding broadband capability in Washington County.

C-1889 In the Matter of GCC License Corporation (Western Wireless), Issaquah, Washington, seeking designation as an Eligible

4992

Telecommunications Carrier that may receive Universal Service support: A hearing was set for February 14, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2516/ In the Matter of the Commission, on its own motion, seeking
PI-49 to investigate Qwest Corporation's rates for interconnection, unbundled network elements, transport and termination and resale services: A post-hearing conference was set for February 8, 2002, at 1:00 p.m. in the Commission Hearing Room, Lincoln.

Engineering Department

E-1940 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Antelope and Knox Counties: Upon agreement of all Commissioners, the application was granted.

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: Nicole Morgan informed the Commission that a Prehearing Conference Order and Order Setting Hearing was entered by the Hearing Officer on January 28, 2002. Hearings were set for February 14, 2002, at 9:00 a.m. in the Commission Hearing Room, Lincoln, and March 18, 2002, at 10:00 a.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: Nicole Morgan informed the Commission that a Prehearing Conference Order and Order setting Hearing for February 25, 2002, at 9:00 a.m. in the Commission Hearing Room, Lincoln, was entered by the Hearing Officer on January 29, 2002.

E-911 DEPARTMENT

PSAP-001 In the Matter of Sarpy County PSAP, Papillion, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners present, the application was granted.

PSAP-002 In the Matter of Douglas County PSAP, Omaha, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners present, the application was granted.

GENERAL ADMINISTRATION

Attention was called to the following proceedings:

GENERAL ADMINISTRATION (Cont.)

Tuesday, February 5, 2002:

Rule and Video Hearing. Commission Library, Lincoln, and Chadron
 Regulation State College, Student Center, Scottsbluff Room, 10th and
 #152 Main, Chadron. The Commission, on its own motion, seeking
 1:30 CST to amend Title 291, Telecommunications Rules and Regula-
 12:30 MST tions, by adding Sections 006, Dark Fiber Leasing, and
 Section 007, Nebraska Internet Enhancement Fund Program, and
 to adopt rules in accordance with the provisions of LB 827
 [2001]. Commissioner Landis chairing.

Wednesday, February 6, 2002:

C-2621/ Commission Hearing Room, Lincoln. Workshop
 PI-53 The Commission, on its own motion, seeking comment on
 10:00 CST the request by United Way of the Midlands to be assigned the
 use of "211" in Douglas and Sarpy Counties for access to
 First Call for Help (FCFH), a comprehensive information and
 referral service. Commissioner Boyle chairing.

B-1568 Video Hearing. Commission Library, Lincoln, and Nebraska
 1:30 CST State Office Building, Room 207, 2nd Floor, 1313 Farnam on
 the Mall, Omaha. Eastern Horizon Transportation, Inc.,
 Omaha, seeking authority as a common carrier of passengers
 in Nebraska intrastate commerce to provide van service in
 open class including clients of the Nebraska Department of
 Health and Human Services or subcontractors thereof between
 points in Douglas, Sarpy, Cass and Washington counties and
 between points in said counties on the one hand, and, on the
 other hand, points in Nebraska over irregular routes. Com-
 missioner Boyle chairing.

Thursday, February 14, 2002:

NUSF-26 Commission Hearing Room, Lincoln. Pre-hearing Conference
 9:00 CST The Commission, on its own motion, seeking to establish a
 long-term universal service funding mechanism. Commissioner
 Landis chairing.

C-1889 Commission Hearing Room, Lincoln. Oral Argument
 1:30 CST GCC License Corporation (Western Wireless), Issaquah,
 Washington, seeking designation as an Eligible Telecommuni-
 cations Carrier that may receive Universal Service support.
 Commissioner Landis chairing.

Friday, February 15, 2002:

B-1517 Commission Library, Lincoln, and the Hastings Public
 Supp. 2 Library, 2nd Floor, 517 West 4th Street, Hastings.

4994

1:30 CST Comstock Corporation dba Action Cab, Grand Island, seeking to acquire, through transfer, the authority granted to Hastings Taxi and Transportation Services, L.L.C., Hastings, in Certificate B-1507. Commissioner Rod Johnson chairing.

GENERAL ADMINISTRATION (Cont.)

Tuesday, February 19, 2002:

FC-1293 Video Hearing. Commission Library, Lincoln, and
10:00 CST Nebraska State Office Building, Room 207, 2nd Floor, 1313
Farnam on the Mall, Omaha. Prince of the Road vs. Action
Cab. Commissioner Landis chairing.

The Commission approved the following invoices:

Larry Fauss	\$ 725.00
Ted Burkey	523.42
Dennis McKay	311.55
Kent Pribyl	600.09
Gerald Vap	722.24

Upon agreement of all Commissioners, authorization was granted for Commissioner Boyle to attend the National Drinking Water Symposium to be held in St. Petersburg, Florida, from March 24-26, 2002, with most expenses to be paid via a NARUC scholarship.

Upon agreement of all Commissioners, authorization was granted for Commissioners and Manufactured Housing staff to attend the Manufactured Home Show to be held in Kansas City, Missouri, on February 22, 2002.

Upon agreement of all Commissioners, authorization was granted for Ted Burkey to travel to Bondurant, Iowa, on February 7, 2002, to perform a site inspection of three (3) Alternate Construction (AC) manufactured homes built by Atlantic Homes, Central City, Nebraska, with all expenses, including time, to be reimbursed to the Commission by Atlantic Homes.

Upon agreement of all Commissioners, authorization was granted for Tim Sandusky to attend the Palm Pilot Training and Track Workshop to be held in Kansas City, Missouri, from February 25 to March 1, 2002.

Upon agreement of all Commissioners, authorization was granted for Brenda Wicken to pay all Commission invoices from February 6-19, 2002.

Upon agreement of all Commissioners, authorization was granted for John Fecht to grant all grain warehouse license applications that meet statutory requirements from February 6-19, 2002.

Rules and Regulations

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 3, Motor Carrier Rules and #148 Regulations, Section 001, Definitions, and to harmonize existing rules: Upon agreement of all Commissioners present, a Certificate of Adoption was entered.

GENERAL ADMINISTRATION (Cont.)

Rule and In the Matter of the Commission, on its own motion, seekING Regulation to amend Title 291, Chapter 5, Telecommunications Rules and #152 Regulations, by adding Sections 006, Dark Fiber Leasing, and Section 007, Nebraska Internet Enhancement Fund Program, and to adopt rules in accordance with the provisions of LB 827 [2001]: The hearing previously scheduled for February 5, 2002, at 1:30 p.m. CST was changed to a video hearing in the Commission Library, Lincoln, and Chadron State College, Student Center, Scotts-bluff Room, 10th and Main, Chadron.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel issues. Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 10:06 a.m.

At 10:08 a.m., Commissioner Rod Johnson moved that the Commission return to open session. Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session.

Upon agreement of all Commissioners, authorization was granted to offer Randall Nelson a position as a Grain Warehouse Examiner.

The meeting adjourned at 10:09 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present and Commissioner Vap absent. The next regularly scheduled meeting will be held February 20, 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 February 19, 2002.

Chair

Executive Director