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Chair Boyle called the regularly scheduled meeting to order at 1:36 p.m. with Commissioners Boyle, Rod Johnson, Landis and Vap present and Commissioner Lowell Johnson excused.

## GENERAL ADMINISTRATION

Notice was duly published April 16, 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 April 23, 2002, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

## MANUFACTURED HOUSING DEPARTMENT

Mark Luttich discussed the shipping of non-approved modular housing units by Timber Creek Homes of Stratton. The Commission recommended that staff contact the Attorney General and/or Hitchcock County Attorney, and suspend the issuance of seals to Timber Creek pending investigation by staff. The staff is to report to the Commissioners at next week's administrative meeting.

## TRANSPORTATION DEPARTMENT

B-1418 In the Matter of Innovative Marketing, Inc., dba The "Big Red Bus", Lincoln: Upon agreement of all Commissioners present, a hearing was set for May 22, 2002, at 2:15 p.m. in the Commission Hearing Room, Lincoln.

B-1448 In the Matter of Walter Fowler, dba Luxor Limousine, Bellevue: Upon agreement of all Commissioners present, an Order to Show Cause and an Order to Cease and Desist were entered. A hearing was set for May 23, 2002, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

B-1521 In the Matter of Memorial Health Care System, dba MHCS Transport System, Seward, seeking revocation and cancellation of the motor carrier authority in Certificate B-1521: Upon agreement of all Commissioners present, the revocation was granted and authority in B-1521 revoked.

B-1540 In the Matter of J. Delmar Mateo, dba Delmar Transportation Co., Grand Island, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Certificate B-1540 until June 1, 2002: Upon agreement of all Commissioners present, the suspension was granted and Certificate B-1540 suspended.

B-1560 In the Matter of Kevin Onken, dba Barker Cleaners, Sidney, seeking authority as a common carrier of passengers in Nebraska intrastate commerce to provide a limousine service between points in Banner, Cheyenne, Deuel, Garden, Kimball, Morrill, and Scotts Bluff 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: Upon agreement of all Commissioners present, the Order to Show Cause was sustained and the application

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dismissed.

## TRANSPORTATION DEPARTMENT (Cont.)

MCC-3148 In the Matter of Andy S. Pollock, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, vs. Crusader Coach Lines, Inc., Dashabout Roadrunner, Inc., Embassy Limousine, Inc., Geneva Motors, Inc., Hastings Taxi and Transportation Services, Luxor Limousine, MHCS Transport System, Nebraska City Chamber of Commerce, J & M Limousine, Running Horse Enterprises LLC, Upper Nile Staff, Inc., AAA Quality Movers, Able Professional Movers, Inc., Ace Storage & Transfer, Inc., All American Movers, Inc., Star Van & Storage Co., and Smitty's Van & Storage Co.: Upon agreement of all Commissioners present, the complaint was dismissed.

Rate Division

MR-999 In the Matter of National Motor Freight Traffic Association, Inc., Alexandria, Virginia, agent for and on behalf of participating carriers, filed an application for authority to place in effect on Nebraska intrastate traffic the provisions of Supplement 3 to the National Motor Freight Classification, NMF 100-AB: Upon agreement of all Commissioners present, the application was granted.

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 reduced to 8 cents and the taxi surcharge was retained at 20 cents per trip.

## GRAIN WAREHOUSE DEPARTMENT

The following applicant was granted a Public Grain Warehouse License for the amount of bushels set forth, subject to the fulfillment of all statutory requirements, for the license period ending September 30, 2002:

		<u>BUSHEL</u>	<u>SECURITY</u>
GW-2167	Farmers Elevator Company, a Cooperative, Kimball, Dix, Burns, WY, Linbergh, WY, and Pine Bluffs, WY	4,458,183	\$500,000
GW-452	In the Matter of Reikofski Grain, Inc., Foster: John Fecht discussed the load out of grain.		
GW-1897 GW-2030	In the Matter of Continental Casualty Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 124007901 in the amount of \$50,000.00, issued on behalf of Jirdon Agri Chemicals, Inc., Lyman and Gering: Application was granted		

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effective April 10, 2002

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2138 In the Matter of Atlanta Elevator, Inc. dba Atlanta Elevator, Atlanta and Funk: John Fecht discussed the load out of grain.

Grain Dealer Division

GD-953 In the Matter of Ron Meyer dba Meyer Feed Service, Orchard, seeking cancellation of his Grain Dealer License: Application was granted.

GD-2653 In the Matter of Beethe Bros., Inc., Pawnee City, seeking cancellation of its Grain Dealer License: Application was granted.

COMMUNICATIONS DEPARTMENT

FC-1296 In the Matter of Cox Nebraska Telcom, L.L.C., Omaha, and  
FC-1297 Illuminet, Olympia, Washington, vs. Qwest Communications, Inc., Omaha, alleging violations of state law and policy, as well as tariff obligations and Alltel Nebraska, Inc. and ALLTEL Communications of Nebraska, Inc. vs. Qwest Corporation, requesting a review of Qwest's Common Channel Switched Access Capability Signaling rate elements as set forth in Qwest's Access Service Catalog: The staff was directed to propose a consolidated hearing date at the next regularly scheduled meeting on May 7, 2002.

FC-1298 In the Matter of A.B.I. Universal Messaging Center, Fremont, vs. Qwest Corporation, alleging unacceptable service (call forwarding): Gene Hand informed the Commission that a Formal Complaint was filed April 15, 2002, and notification was sent to Qwest that if a Statement of Satisfaction is not filed, the answer date is May 3, 2002.

C-1830 In the Matter of US West Communications, Inc., Denver, Colorado, seeking authority to file its notice of intention to file a Section 271(c) application with the Federal Communications Commission (FCC) and request for the Commission to verify US West compliance with Section 271(c): Upon agreement of all Commissioners present, Orders were entered granting AT&T's motions for admission to practice in Nebraska by nonresident attorneys Gary B. Witt and Letty S.D. Friesen, approving the QPAP as modified and revising the remaining procedural schedule in Procedural Order No. 30. New dates are as follows:

May 6, 2002	1:00 PM	Management/O&E Workshop
May 29, 2002	1:30 PM	Reschedule KPMG Workshop on Final Report (Previously set for May 23)
June 3, 2002	1:00 PM	Reschedule Oral Argument on Final

Report (Previously set for May  
28)

## COMMUNICATIONS DEPARTMENT (Cont.)

C-2516/  
PI-49 In the Matter of the Commission, on its own motion, seeking to investigate Qwest Corporation's rates for interconnection, unbundled network elements, transport and termination and resale services: Upon agreement of all Commissioners present, an order was entered issuing findings and conclusions.

C-2659 In the Matter of Pinpoint Communications, Inc., Cambridge, seeking authority to receive designation as an eligible telecommunications carrier (ETC) that may receive Universal Service support: Upon agreement of all Commissioners, the applicant was designated as an ETC for federal support in the areas served by Qwest Corporation, ALLTEL Communications, Citizens (Frontier) and United Telephone Company of the West.

C-2696  
PI-57 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into payphone pricing in the state of Nebraska: Gene Hand informed the Commission that the comment and data request date was extended from April 19, 2002, to May 20, 2002, and the reply comment date was extended from May 10, 2002, to June 10, 2002.

C-2697 In the Matter of NewSouth Communications Corp., Greenville, South Carolina, seeking to cancel its certificate of authority to operate as a resale carrier of intrastate interLATA and intra-LATA telecommunications services within the State of Nebraska and withdrawal of Nebraska PSC Tariff No. 1, previously filed in Docket C-2268: Upon agreement of all Commissioners present, the application was granted and authority canceled.

C-2698 In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and VoiceStream Wireless Corporation, Bellevue, Washington, jointly seeking an amendment to the Type 2 Wireless Interconnection Agreement, previously approved in Docket C-2560: Upon agreement of all Commissioners present, the Agreement was approved.

C-2699 In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and WWC License, LLC, Bellevue, Washington, jointly seeking an amendment to the Type 2 Wireless Interconnection Agreement, previously granted at Docket C-2460: Upon agreement of all Commissioners present, the Agreement was approved.

C-2700 In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and Integra Telecom of Nebraska, Beaverton, Oregon, jointly seeking an amendment to the Wireline Interconnection Agreement, previously approved in Docket C-2250: Upon agreement of all Commissioners present, the Agreement was approved.

C-2701 In the Matter of the joint application of Qwest Corporation,

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Denver, Colorado, and Premiere Network Services, Inc., DeSoto, Texas, jointly seeking approval of their wireline interconnection agreement: Upon agreement of all Commissioners, the Agreement was approved.

## COMMUNICATIONS DEPARTMENT (Cont.)

C-2702 In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and Community Internet Systems, Inc., Columbus, jointly seeking approval of their wireline interconnection agreement: Upon agreement of all Commissioners present, the Agreement was approved.

C-2706 In the Matter of Qwest Corporation, Denver, Colorado, and DSLnet Communications, L.L.C., New Haven, Connecticut, jointly seeking approval of their wireline interconnection agreement based on the fifth revision of Qwest's statement of generally available terms and conditions, dated January 25, 2002: Upon agreement of all Commissioners, the Agreement was approved.

C-2707 In the Matter of Qwest Corporation and TCG-Omaha, both of Denver, Colorado, jointly seeking approval of an internet-work calling name (ICNAM) amendment to their interconnection agreement approved in Application C-1379: Upon agreement of all Commissioners, the Agreement was approved.

Engineering Department

E-1948 In the Matter of KBR Rural Public Power District, Ainsworth, seeking authority to construct, operate and maintain an electric transmission line in Brown County: Upon agreement of all Commissioners present, the application was granted.

E-1949 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Upon agreement of all Commissioners present, the application was granted.

## WIRELESS E-911 DEPARTMENT

911-001/ In the Matter of the Commission, on its own motion, seeking  
PI-52 to establish guidelines for the administration of the  
No. 4 Enhanced Wireless 911 Fund: Upon agreement of all Commissioners, Progression Order No. 4 was entered and a hearing set for May 23, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

## UNIVERSAL SERVICE FUND

NUSF-4 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out

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the Nebraska Telecommunications Universal Service Fund Act beginning July 1, 2002: Upon agreement of all Commissioners present, a hearing was set for May 23, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

## UNIVERSAL SERVICE FUND DEPARTMENT (Cont.)

NUSF-7 In the Matter of the Commission, on its own motion, seeking to review and approve requests for modification of the funding calculation for the Nebraska Universal Service Fund: Upon agreement of all Commissioners present, the docket was modified and waiver requests previously approved were detailed.

NUSF-7.03 In the Matter of Hershey Cooperative Telephone Company, Hershey, seeking a waiver for additional Nebraska Universal Service Funding: Upon agreement of all Commissioners present, the application was granted in part.

NUSF-28 In the Matter of the Commission, on its own motion, seeking to conduct an investigation of intrastate access charges for rural ILECs: Upon agreement of all Commissioners present, the docket was opened and a pre-hearing conference set for June 4, 2002 at 2:30 p.m. in the Commission Hearing Room, Lincoln.

Jeff Pursley distributed the Program Evaluation Committee Report to the Commission.

## GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Materiel-Print & Copy	\$ 299.25
DAS - Materiel-Postage	374.19
The Daily Record	409.00
Fairbanks Int'l-Holdrege	572.00
Holiday Inn Express	825.00
Anne Boyle	548.78
Richard Palazzolo	520.73
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM	2,728.20
Aksarben TDD Service	814.25
Associated Hearing Health Care	
Audiology Services & HAC	287.80
Hamilton Relay Inc	306.90
HITEC Group International Inc	781.05
K-D Communications	7,661.00
Grand Island Hearing Aid Ctr	784.00
Carl A. Johnson	1,558.05
Johnson Hearing Aid Service	386.38
R & J Enterprises	443.20
The Hearing Clinic Inc.	823.85

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Sherard Hearing Aid Center  
Silent Call Communications

756.00  
6,777.00

Upon agreement of all Commissioners present, Commission minutes for the month of March 2002 were approved.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted to purchase one replacement pool vehicle.

Upon agreement of all Commissioners present, authorization was granted for Ted Burkey to travel to Clay Center, Kansas, on April 18, 2002, to perform a modular housing unit factory inspection at Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

Upon agreement of all Commissioners present, authorization was granted for Kent Pribyl to travel to Smith Center, Kansas, on April 24, 2002, to perform a recreational vehicle factory inspection at Peterson Industries, Inc., with all expenses, including time, to be reimbursed to the Commission by Peterson Industries.

Upon agreement of all Commissioners present, authorization was granted for Dick Palazzolo to travel to Denver, Colorado, from May 13-17, 2002, to attend the Regional Oversight Committee (ROC) OSS Test Vendor Technical Conference #3.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Landis to travel to New York City, New York, from May 14-17, 2002, to attend the National Energy, Environment and Transportation Summit at the request of the National Association of Regulatory Utility Commissioners with a \$700 travel stipend being offered to cover some expenses.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Rod Johnson to travel to Del Mar, California, from May 18-21, 2002, to attend the Competition Policy Institute (CPI) State Symposium on Telecommunications Issues with room, airfare and most meals to be paid by CPI.

Upon agreement of all Commissioners present, authorization was granted for Chris Post, Shana Knutson and Laura Davenport to travel to San Francisco, California, from June 23-27, 2002, to attend the Competition vs Regulation Conference hosted by the California Public Utilities Commission.

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The meeting adjourned at 2:25 p.m. with Commissioners Boyle, Rod Johnson, Landis and Vap present and Commissioner Lowell Johnson excused. The next regularly scheduled meeting will be held on May 7,

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 May 6, 2002.

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Chair

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Executive Director