

Chair Boyle called the regularly scheduled meeting to order at 1:05 p.m. with Commissioners Boyle, Rod Johnson, and Landis present and Commissioners Lowell Johnson and Vap excused.

GENERAL ADMINISTRATION

Notice was duly published July 30, 2002, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on August 6, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

C-2773 In the Matter of Qwest Corporation, Denver, Colorado, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Gene Hand informed the Commission that Qwest has filed an application for intra-LATA interexchange authority.

C-2750 In the Matter of 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: Gene Hand discussed the revised Exhibit A to the SGAT, which lowered rates for some unbundled network elements and local interconnection services (LIS), retroactive to June 7, 2002.

Cheryl Elton gave the report on the quantity and type of complaints received during the month.

C-1889 In the Matter of GCC License Corporation (Western Wireless), Issaquah, Washington, seeking designation as an Eligible Telecommunications Carrier that may receive Universal Service support: The staff was directed to prepare a proposed order.

Commissioner Lowell Johnson entered the Commission Hearing Room.

C-2483/
PI-43 In the Matter of the Commission, on its own motion, seeking to reexamine its retail quality of service standards for all local exchange carriers operating within the state of Nebraska: Gene Hand provided the Commission with copies of the ALLTEL June service quality report filed on July 25, 2002.

Gene Hand discussed a Federal Communications Commission (FCC) Form 477 (Local Competition and Broadband Reporting Form) to be filed September 1, 2002, by local exchange carriers that serve 10,000 or more voice-grade equivalent lines or wireless channels in a given state.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that the FCC released its latest data on local telephone service competition in the United States. Also, the FCC adopted rules resolving how telephone companies share and market customer information.

Gene Hand discussed the recent bankruptcy activity and potential Commission investigation, including inquiry into the bankruptcy process and the interplay between bankruptcy and telecommunications laws.

Gene Hand provided the Commission with copies of Senator McCain's broadband bill that the National Association of Regulatory Utility Commissions (NARUC) is seeking views on from state commissions.

Gene Hand discussed "Putting Broadband on High Speed," published by Economic Policy Institute.

Gene Hand gave the Commission a report on highlights from the National Conference of Regulatory Utility Commission Engineers (NCRUCE) Meeting held at Jeckyll Island, Georgia, from June 23-27, 2002.

C-2756 In the Matter of VP Telecom, Inc., Sioux Falls, South Dakota, seeking a Certificate of Public Convenience and Necessity to provide competitive facilities-based local exchange telecommunications services and interexchange services in the State of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2757 In the Matter of SSC Holdings, LLC, Houston, Texas, Reconex Acquisition Corp., Hubbard, Oregon and Choctaw Communications, Houston, Texas, jointly seeking approval of a stock purchase agreement: Upon agreement of all Commissioners present, the application was granted.

C-2758 In the Matter of Arbros Communications, Inc., Linthicum, Maryland, seeking authority to withdraw certificates of authority granted in Applications C-2421 and C-2494 and associated tariffs: Upon agreement of all Commissioners present, the application was granted.

C-2759 In the Matter of Metromedia Fiber Network Services, Inc., White Plains, New York, seeking authority to withdraw certificates of authority granted in Application C-2343 and associated tariffs: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2753 In the Matter of Qwest Corporation, Denver, Colorado, and NOW Communications, Colorado Springs, Colorado, seeking approval of their wireline interconnection agreement: Upon agreement of all Commissioners present, the Agreement was approved.

C-2755 In the Matter of Qwest Corporation, Denver, Colorado, and 1-800-RECONEX, Inc., Hubbard, Oregon, seeking approval of an amendment to their Wireline Interconnection Agreement previously approved in C-2557: Upon agreement of all Commissioners present, the Amendment was approved.

C-2772 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the statewide Telecommunications Relay System to be effective January 1, 2003: Upon agreement of all Commissioners present, an order was entered to open the docket and set a hearing for August 27, 2002, at 2:30 p.m. in the Commission Hearing Room, Lincoln, with Commissioner Lowell Johnson presiding as the Hearing Officer.

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 reported on the Motion for Clarification.

RULES AND REGULATIONS

Rule and Regulation #155 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Nebraska Administrative Code, Chapter 5, Telecommunications Rules and Regulations, by adding new sections in accordance with the provisions of LB 1211 and to clarify and harmonize existing sections: Upon agreement of all Commissioners present, the docket was opened seeking comments which are due on August 28, 2002.

FEDERAL REPORT

Laura Davenport and Shana Knutson reported on their attendance at the National Conference on Regulatory Attorneys recently held in San Francisco, California, from June 22-27, 2002.

LEGISLATIVE REPORT

Andy Pollock discussed Special Session LB's 2, 20 and 37 and possible resolutions.

GRAIN WAREHOUSE DEPARTMENT

GW-1680 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 64-4-697 in the amount of \$520,600.00, issued on behalf of Sargent Feed & Grain Co., Sargent: Application was granted effective July 27, 2002.

GW-2107 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-922 in the amount of \$182,600.00, issued on behalf of Mathiesen Grain Company, Blair: Application was granted effective August 1, 2002.

John Fecht discussed the emergency storage policy. Upon agreement of all Commissioners present, the policy was approved.

GW-2138 In the Matter of Atlanta Elevator, Inc., dba Atlanta
GWC-368 Elevator, Atlanta: Chris Post updated the Commission on the current status of affairs.

GW-2008 In the Matter of Richland Grain, Inc., Richland: John
GWC-366 Fecht and Chris Post provided an update on the current status of working toward completion of an order.

Grain Dealer Division

GD-2796 In the Matter of Union Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 12 24 39 in the amount of \$35,000.00, issued on behalf of TWJ Feeds, Inc., Carroll: Application was granted effective July 22, 2002.

TRANSPORTATION DEPARTMENT

B-1578 In the Matter of Carlos E. Ortega, Schuyler, seeking authority as a common carrier of passengers by taxicab between points in Colfax County and between points in Colfax County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The use of vehicles other than sedans is not authorized: Upon agreement of all Commissioners present, the application was granted.

B-1592 In the Matter of Jerry Everett, dba Royal Coach Lines, Cortland, seeking to acquire, by transfer, the authority issued to Yellow Cab & Limo in Certificate B-1434, Supplement 4. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of clients of the Nebraska Department of Health and Human Services, FHC Options, Partners, or any other subcontractors of Health and Human Services is not authorized: Upon agreement of all Commissioners present, the application was dismissed.

TRANSPORTATION DEPARTMENT (Cont.)

B-1558 In the Matter of MAVM Ventures, LLC, dba A & B Shuttle, Supp. 2 Omaha, seeking to extend its authority as a common carrier of passengers in Nebraska intrastate commerce in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Douglas, Sarpy, and Lancaster Counties on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: Extension of existing authority to include sedans and buses: The hearing previously set for July 18, 2002, was continued to August 8, 2002, at 10:00 a.m. in the Commission Library, Lincoln; the Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam, Omaha; and the Von Riesen Library, Room 6, 1205 East 3rd Street, McCook.

B-1573 In the Matter of K & B Coach, Inc., Kearney, seeking authority as a common carrier in Nebraska intrastate commerce for the transportation of passengers in vans in open class service including clients of Nebraska Department of Health and Human Services between points in Nebraska over irregular routes: The Commission discussed that a motion for reconsideration had been filed.

M-14175 In the Matter of Mid-America Relocation, Inc., Omaha, seeking to acquire, through transfer, the authority granted to Gordon Moving and Storage Co. Inc. in Certificate M-12197: Upon agreement of all Commissioners present, the application was granted and Certificate M-12197 was revoked.

Rate Division

MR-1002 In the Matter of National Motor Freight Traffic Association, Inc., Alexandria, Virginia, agent for and on behalf of participating carriers, seeking authority to place in effect on Nebraska intrastate traffic the provisions of Supplement 4 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 retained at 10 cents per mile, and the taxi surcharge was retained at 20 cents per trip.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners present, the following invoices were approved:

DAS - Communications	\$ 2,234.52
DAS - Personnel	678.65
Department of Roads	262.88
Ted Burkey	1,313.50
Executive Travel	298.32

GENERAL ADMINISTRATION (Cont.)

Data Source Media	\$ 308.40
Southern Power District	375.45
Larry Fauss	775.00
Robert Bowman	1,082.28
Fred Massing	1,096.91
Kent Pribyl	929.92
Lowell Johnson	897.62
Rod Johnson	483.02
Frank Landis	537.89
Gerald Vap	686.24

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	1,000.00
Associated Hearing Health Care	174.00
Grand Island Hearing Aid Center	1,327.74
Carl A. Johnson	213.65
LS & S, LLC	135.75
McCook Pharmacy & Medical Supply	363.90
Hamilton Telecommunications	1,188.80
Harris Communications	1,810.35
Maxi Aids	122.70
R & J Enterprises	714.85
Sherard Hearing Aid Center	752.99
Teltex Inc	474.75

Upon agreement of all Commissioners present, authorization was granted for Gene Hand to attend the 2002 RTC Conference to be held in Des Moines, Iowa, from October 6-9, 2002.

Commissioner Landis moved that the Commission go into closed session to discuss personnel items and Commissioner Lowell Johnson seconded the motion.

Commissioner Landis moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion.

Upon agreement of all Commissioners, a staff member's employment status was upgraded from probationary to permanent status effective August 25, 2002.

The meeting adjourned at 2:40 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present and Commissioner Vap excused. The next regularly scheduled meeting will be held on August 13, 2002, at 1:00 p.m. with an agenda to be available in the office of the Executive Director at 1:00 p.m. on August 12, 2002.

Chair

Executive Director