

Vice Chairman Vap called the regularly scheduled meeting to order at 1:04 p.m. with Commissioners Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner Boyle excused.

GENERAL ADMINISTRATION

Notice was duly published September 17, 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 September 24, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

John Burvainis discussed two letters received from WorldCom on behalf of subsidiaries WorldCom Wireless, Inc. and MCI Wireless, Inc. One letter related to the discontinuance of resold wireless services and the other related to the Chapter 11 bankruptcy petition.

John Burvainis discussed the reduction in Extended Area Service (EAS) rates for customers served by Three Rivers Telco in the Johnstown exchange.

FC-1303 In the Matter of Margaret Jacobsen, Papillion, vs. McLeodUSA, Sioux Falls, South Dakota, alleging excessive fees: John Burvainis informed the Commission that the formal complaint was filed on September 19, 2002. The Certificate of Service was sent certified mail informing McLeodUSA of the October 11, 2002, answer date.

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): Chris Post discussed AT&T's motion to reopen and supplement the record and the Qwest opposition to AT&T's motion. Commissioner Landis moved to deny AT&T's motion to reopen and supplement the record. The motion was withdrawn for lack of a second.

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: John Burvainis discussed Houlton Enterprises, Inc. concerns regarding Qwest's "miscellaneous" charges as a result of the Commission's order.

C-2779 In the Matter of RCN Telecom Service, Inc., Princeton, New Jersey, seeking approval for withdrawal of authority to provide interexchange long distance services granted in Applications C-1333 and C-2154: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2811/
PI-64 In the Matter of Nebraska Technology & Telecommunications, Inc., requesting an investigation and remedy of Qwest Corporation's rezoning of certain Nebraska exchanges from Zone 2 to Zone 3: Upon agreement of all Commissioners present, an order was entered opening an investigation and scheduling a hearing for October 7, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

C-2784 In the Matter of 3U Telecom, Inc., Carson City, Nevada, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2783 In the Matter of Qwest Corporation and TCG-Omaha, both of Denver, Colorado, seeking approval of an unbundled network element, unbundled loop, subloop unbundling, unbundled dark fiber and network interface device amendment to their interconnection agreement previously approved in Application C-1379: Upon agreement of all Commissioners present, the amendment was approved.

C-2785 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a billing settlement agreement with McLeodUSA, Inc., Sioux Falls, South Dakota: Upon agreement of all Commissioners present, the agreement was approved.

C-2786 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of an escalation procedures and business solutions agreement with McLeodUSA, Inc., Sioux Falls, South Dakota: Upon agreement of all Commissioners present, the agreement was approved.

C-2787 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a billing settlement agreement with MCI WorldCom Network Services, Inc., Englewood, Colorado: Upon agreement of all Commissioners present, the agreement was approved.

C-2788 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a business escalation agreement with MCI WorldCom Network Services, Inc., Englewood, Colorado: Upon agreement of all Commissioners present, the agreement was approved.

C-2789 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a settlement agreement with McLeodUSA Telecommunications Services, Inc., Sioux Falls, South Dakota: Upon agreement of all Commissioners present, the agreement was approved.

C-2790 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a facility decommissioning agreement for unbundled loop service with Covad Communications Company, Santa Clara, California: Upon agreement of all Commissioners present, the agreement was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2791 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a billing and settlement agreement and release with Aliant Midwest Inc., d/b/a ALLTEL, Lincoln: Upon agreement of all Commissioners present, the agreement was approved.

C-2792 In the Matter of US West, n/k/a Qwest Corporation, Denver, Colorado, seeking approval of a service level agreement for unbundled loop service with Covad Communications Company, Santa Clara, California: Upon agreement of all Commissioners present, the agreement was approved.

C-2793 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a confidential billing settlement agreement with Global Crossing Local Services, Inc. and Global Crossing Telemanagement, Inc., Minneapolis, Minnesota: Upon agreement of all Commissioners present, the agreement was approved.

C-2794 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of a facility decommissioning agreement with ALLTEL Communications, Inc., Lincoln, Nebraska: Upon agreement of all Commissioners present, the application was approved.

C-2795 In the Matter of Public Communications Services, Inc., Los Angeles, California, seeking authority to operate as a re-sale carrier of intrastate interLATA and intraLATA telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

Shana Knutson updated the Commission on the comments filed in Application C-2777/PI-62 relating to bankruptcy issues in the telecommunications industry.

WATER DEPARTMENT

Laura Davenport informed the Commission that a letter from Cinnamon Acres Homeowners Association had been received indicating that their authority as a public water system had been transferred to SID 230 PWS.

UNIVERSAL SERVICE FUND

NUSF-17 In the Matter of the Commission, on its own motion, seeking to determine access costs for U S West: Upon agreement of all Commissioners present, an order was entered approving Qwest's request for support from the NUSF to offset access charge reductions.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: The hearing previously set for October 8, 2002, was continued to November 5, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln. An Oral Argument on the Motion for Reconsideration, submitted by the Nebraska Department of Education, was scheduled for October 8, 2002, at 3:00 p.m. in the Commission Hearing Room, Lincoln.

RULES AND REGULATIONS

Rule and Regulation #148 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, Section 001, Definitions, and to harmonize existing rules: Shana Knutson reported on the status of the appeal.

LEGISLATION

Laura Davenport reported on a letter from Senator David Landis regarding natural gas regulation.

GRAIN WAREHOUSE DEPARTMENT

GW-1094 In the Matter of Nehawka Farmers Cooperative Co., Nehawka, Dunbar, Syracuse, Avoca, and Mynard, seeking cancellation of its Public Grain Warehouse License: Upon agreement of all Commissioners present, the application was granted effective September 1, 2002.

GW-2142 In the Matter of Hallam Grain Co., Hallam, seeking cancellation of its Public Grain Warehouse License: Upon agreement of all Commissioners present, the application was granted effective September 16, 2002.

The following shortages were discussed:

GW-1946 Shortage of soybeans at Dixon Elevator Co., Dixon.

GW-2142 Shortage of soybeans at Hallam Grain Co., Hallam.

TRANSPORTATION DEPARTMENT

B-1589 In the Matter of Napoleon P. Agonor, dba UltimateTransit, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by passenger van between points in Omaha, Bellevue, Papillion, LaVista, Ralston and Elkhorn: A hearing was set for October 21, 2002, at 9:00 a.m. in the Commission Library, Lincoln; Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha; and Von Riesen Library, Room 6, Basement level, 1205 East 3rd Street, McCook. Commissioner Boyle will preside as the Hearing Officer.

John Schmidt discussed the Omaha World Herald article regarding stretch SUVs.

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 14 cents per mile and the taxi surcharge was retained at 15 cents per trip.

GENERAL ADMINISTRATION

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

DAS Materiel - Postage	\$ 383.09
Department of Roads	272.52
University of Nebraska - BBR Contract	47,872.00
The Daily Record	443.70
Rod Johnson	316.48

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	1,693.60
Associated Hearing Health Care	1,801.40
Hamilton Relay	149.90
Harris Communication	158.70
Grand Island Hearing Aid Center	1,842.26
Johnson Hearing Aid Service	1,820.32
Carl A. Johnson	883.65
McCook Pharmacy & Medical Supply	363.90
R & J Enterprises	1,111.05
Sherard Hearing Aid Center	285.99
The Hearing Clinic	740.00

GENERAL ADMINISTRATION (Cont.)

Attention was called to the following proceedings:

Wednesday, September 25, 2002:

B-1548 Video Hearing. Commission Library, Lincoln; Nebraska State
10:00 Office Building, Room 207, Second Floor, 1313 Farnam, Omaha
Omaha; and Von Riesen Library, Room 6, Basement level, 1205
East 3rd Street, McCook. Omaha Limousine Co., LLC, dba Omaha
Limousine, Omaha, seeking to remove the restriction con-
tained in Supplement 1 which reads as follows: "The trans-
portation of passengers by vans is not authorized." Com-
missioner Boyle chairing.

Thursday, September 26 and Friday, September 27, 2002:

B-1594 Commission Library, Lincoln; and Von Riesen Library, Room 6
9:00 1205 East 3rd Street, McCook. A-1 Ambassador Limousine,
Inc., dba A-1 Special Services, Lincoln, seeking to extend
its authority as a common carrier in Nebraska intrastate
commerce in the transportation of passengers by sedan, bus,
van and station wagon in open class service including the
transportation of clients of the Nebraska Department of
Health and Human Services over irregular routes between all
points in Nebraska. Commissioner Landis chairing.

Commissioner Lowell Johnson moved that the Commission go
into closed session to discuss personnel issues and Commissioner
Landis seconded the motion. The Commission went into closed session
at 2:55 p.m.

Commissioner Landis moved that the Commission return to
open session and Commissioner Lowell Johnson seconded the motion. The
Commission returned to open session at 2:58 p.m.

Upon agreement of all Commissioners present, the salary
plan for the 2003-05 budget was approved.

The meeting adjourned at 3:00 p.m. with Commissioners
Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner
Boyle excused. The next regularly scheduled meeting will be held on
October 1, 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 September 30, 2002.

Vice Chairman

Executive Director