

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

GENERAL ADMINISTRATION

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

COMMUNICATIONS DEPARTMENT

FC-1301 In the Matter of Christian Car Care, d/b/a Jeff and Maria Bledsoe, Omaha, Complainant, vs. McLeodUSA, Cedar Rapids, Iowa, alleging unsatisfactory business practices: Gene Hand informed the Commission that an answer was received from McLeodUSA and a hearing was set for October 10, 2002, at 9:00 a.m. in the Commission Hearing Room, Lincoln, with Commissioner Boyle presiding as Hearing Officer.

FC-1302 In the Matter of Airwave Wireless Communications, Inc., Scottsbluff, vs. Qwest Communications, Inc., Omaha, alleging failure to honor an interconnection agreement: Gene Hand discussed Qwest's answer received September 27, 2002.

FC-1304 In the Matter of Todd J. Eggerling, Martell, vs. Alltel Communications, Lincoln, requesting removal of a pedestal: Gene Hand informed the Commission that the complaint was filed and Alltel was notified the answer date is October 14, 2002.

FC-1305 In the Matter of Curt Simonson, Big Springs, vs. Qwest Communications, Inc., Omaha, alleging fraudulent business practices: Gene Hand informed the Commission that the complaint was filed and Qwest was notified the answer date is October 15, 2002.

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): Gene Hand provided the Commission with the agendas from the Regional Oversight Committee (ROC) meetings in Denver and highlighted issues discussed. Copies of letters responding to issues discussed at ROC from Qwest and WorldCom were also provided. The Commission was informed that Qwest refiled their 271 application with the FCC on September 30, 2002, and also filed an application (C-2820) with the Commission seeking interexchange authority for their new 272 affiliate Qwest Long Distance Corp. Qwest also filed a notice of supplemental authority that attached an order from the Washington Utilities and Transportation Commission. An order was discussed denying AT&T's motion to reopen the C-1830 proceeding, but no action was taken.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2057/ PI-28 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into the potential exhaust of assignable telephone numbers within the 402 area code: Upon agreement of all Commissioners, the staff will send a letter to Qwest regarding rate center consolidation.

C-2483/ PI-43 In the Matter of the Commission, on its own motion, seeking to re-examine its retail quality of service standards for all local exchange carriers operating within the state of Nebraska: Upon agreement of all Commissioners, Progression Order No. 3 was entered requesting comments be filed by November 1, 2002, and a workshop was set for November 18, 2002, at 2:00 p.m. in the Commission Hearing Room, Lincoln.

Gene Hand discussed a letter sent to Senator Thomas A. Daschle, Senate Majority Leader, from the National Association of Regulatory Utility Commissioners (NARUC) addressing the recent debate surrounding unbundled network element (UNE) prices and UNE-P specifically.

Gene Hand discussed the process underway to fill the Consumer Advocate position in the Communications Department.

WIRELESS E911 DEPARTMENT

WSP-004 In the Matter of Nextel Partners, Kirkland, Washington, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners, the application was granted.

WSP-007 In the Matter of Qwest PCS, Denver, Colorado, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners, the application was granted.

PSAP-015 In the Matter of Colfax County PSAP, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E911: Upon agreement of all Commissioners, the application was granted.

911-02 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Upon agreement of all Commissioners, the application was granted.

FEDERAL REPORT

Federal Communications Commission (FCC)

Hearing on State of Telecom Industry: The FCC has scheduled an en banc hearing to assess the state of the telecom industry and discuss ways to restore its health. The hearing will be October 7th and presentations will be made by experts from the financial community and academic economists.

Wireless E-911

The FCC granted a stay of the October 1, 2002, deadline for wireless carriers to use a code prescribed by the FCC for non-service-initialized phones. All wireless phones can be used to dial 911, even if service has been terminated. Use of the code would allow PSAPs to identify phones that do not have an active service subscription, and thus, cannot be called back if needed. The stay was granted pending consideration of a petition for reconsideration filed by the Emergency Services Interconnection Forum, which would like the FCC to consider using an alternate code adopted by the industry.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the topic of the United States Department of Agriculture (USDA) federally licensed warehouses not being required to comply with state warehousing and merchandising rules.

PI-60 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into exemptions from grain dealer licensure, protection for producers against loss, grain dealer bond limits and related issues: Upon agreement of all Commissioners, an order was entered outlining preliminary recommendations and requesting comments.

GW-2138 In the Matter of Atlanta Elevator Inc., dba Atlanta Elevator: John Fecht discussed the Motions for Rehearing received from claimants. An Oral Argument via video was set for October 24, 2002 at 1:30 p.m. and October 30, 2002, at 9:00 a.m. in the Commission Library, Lincoln, and the Public Library and Information Center, 2020 First Avenue, Kearney. Commissioner Vap will preside as Hearing Officer.

GW-1883 In the Matter of Grain Dealers Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 13-4-683 in the amount of \$443,200.00, issued in behalf of Salem Grain Co., Inc., Salem, Dawson, and Falls City, Nebraska, and Hiawatha, Kansas: Application was approved effective October 1, 2002.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-1950 In the Matter of C.N.A. Companies seeking cancellation of its Continuous Public Grain Warehouse Bond No. 929194083 in the amount \$148,900.00, issued on behalf of Grain Service Company dba Missouri Valley Grain, Nebraska City: Application was approved effective October 1, 2002.

Grain Dealer Division

GD-2847 In the Matter of Premier Grain Marketing, Inc., Sidney: Upon agreement of all Commissioners, an order was entered granting the application for a Grain Dealer license, with the license to expire on December 31, 2002, and security in the amount of \$150,000.

TRANSPORTATION DEPARTMENT

B-1301 In the Matter of Terry E. Jones, d/b/a T.J.'s Limousine Service, Brownville: Upon agreement of all Commissioners, an Order To Show Cause was entered and a hearing set for November 5, 2002, at 3:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

B-1596 In the Matter of Ronald D. Hippen, d/b/a Royal Coach Lines, Beatrice, seeking to acquire, through transfer, the authority granted to Yellow Cab & Limo, Inc. in Certificate B-1434, Supplement 4: Upon agreement of all Commissioners, the application was granted and B-1434, Supplement 4, was revoked.

B-1587 In the Matter of Empire Holdings, LLC, Omaha, seeking to acquire, through transfer, the authority granted to Embassy Limousine, Inc. in Certificate B-1392: The hearing previously set for September 30, 2002, was continued to October 10, 2002, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

B-1590 In the Matter of Alford Oil Company, d/b/a Embassy Limo, Omaha, seeking to acquire, through transfer, the authority granted to Embassy Limousine, Inc. in Certificate B-1392: The hearing previously set for September 30, 2002, was continued to October 10, 2002, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

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: Upon agreement of all Commissioners, the fuel surcharge was retained at 14 cents per mile and the taxi surcharge at 15 cents per trip.

GENERAL ADMINISTRATION

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

DAS - Communications	\$ 2,979.86
University of Nebraska - Bureau of Business Research	11,968.00
Executive Travel	337.00
Larry Fauss	700.00
Maurice Gene Hand	825.94
Anne Boyle	530.99

Attention was called to the following proceedings:

Tuesday, October 1, 2002:

Rule and Commission Hearing Room, Lincoln. The Commission, on its Regulation own motion, seeking to amend Title 291, Chapter 7, Trans- #154 mission Lines Rules and Regulations, to adopt the 2002 11:00 edition of the National Electrical Safety Code as the official rules of the Commission for the construction, operation, and maintenance of overhead and underground electric transmission lines and to recodify the document in its entirety to meet Secretary of State formatting requirements for formatting. Commissioner Rod Johnson chairing.

Monday, October 8, 2002:

C-2811/ Commission Hearing Room, Lincoln. Nebraska Technology & PI-64 Telecommunications, Inc., requesting an investigation and 10:00 remedy of Qwest Corporation's rezoning of certain Nebraska exchanges from Zone 2 to Zone 3. Commissioner Rod Johnson chairing.

The Commission discussed the budget for FY 2003-05.

Commissioner Landis moved that the Commission go into closed session to discuss personnel issues and Commissioner Lowell Johnson seconded the motion. The Commission went into closed session at 2:20 p.m. Commissioner Vap moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion. The Commission returned to open session at 3:05 p.m.

The meeting adjourned at 3:06 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on October 8, 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 October 7, 2002.

Chair

Executive Director