

Chair Boyle called the regularly scheduled meeting to order at 1:15 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Vap present and Commissioner Landis excused.

#### GENERAL ADMINISTRATION

Notice was duly published October 29, 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 November 5, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Boyle recognized Mike Bartels as the PSC Employee of the Year.

#### COMMUNICATIONS DEPARTMENT

Gene Hand introduced Pam Karstensen as the new Assistant Consumer Advocate.

Cheryl Elton provided reports on the quantity and type of complaints received by the Communications Department during the preceding month. Ms. Elton also reported on the Consumer Services Training Program presented by NARUC which she attended October 28-30, 2002, in Indianapolis, Indiana.

FC-1307 In the Matter of Airwave Wireless Communications, Inc., Scottsbluff, vs. Qwest Communications, Inc., Omaha, alleging unsatisfactory retail and wholesale services in western Nebraska: Commissioner Vap moved to deny Qwest's motion to dismiss and Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners present, Qwest's motion to dismiss was denied. A hearing was set for a date later to be determined.

FC-1308 In the Matter of Tracy Corporation II, d/b/a Telemetrix Technologies, vs. United Telephone of the West, d/b/a Sprint, regarding dispute of services offered under their interconnection agreement: Gene Hand informed the Commission that the complaint was received October 30, 2002. The Certificate of Service was sent certified mail informing Sprint of the November 18, 2002, answer date.

C-2683 In the Matter of Nebraska Public Power District, Columbus, seeking authority to lease dark fiber to Frontier Telecommunications Company of Nebraska, Burnsville, Minnesota: Upon agreement of all Commissioners present, an order was entered closing the docket.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2744/  
DC-61        In the Matter of the Commission, on its own motion, seeking an order to cease and desist operations and to revoke the Certificates of Public Convenience and Necessity issued to the named defendants: Upon agreement of all Commissioners present, an order was entered closing the docket.

C-2780        In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado: The motion of Level 3 for the Commission to appoint an arbitrator was held over. Both parties agreed they would select an arbitrator by the close of business on November 6, 2002.

C-2830/  
PI-66        In the Matter of the Commission, on its own motion, seeking to review the Qwest Corporation rate center consolidation plan: Upon agreement of all Commissioners present, an order was entered opening the docket. Comments will be due by December 13, 2002.

C-2831/  
PI-67        In the Matter of the Commission, on its own motion, seeking to investigate telecommunications infrastructure development in Nebraska: Upon agreement of all Commissioners present, an order was entered opening the docket and seeking comments by December 13, 2002.

Gene Hand provided the Commission with a copy of the October 31, 2002, letter from Glenna Lawson, State Vice President, Nebraska Operations, and James E. Peterson, State Vice President Iowa Operations, announcing Glenna Lawson's retirement from Frontier effective November 1, 2002. Mr. Peterson will assume the Vice President role for both Nebraska and Iowa, while Mike Seier, Local Manager, will be in charge of the day-to-day operations in Nebraska.

C-2818        In the Matter of the joint application of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, and Comm South Companies, Inc., Dallas, Texas, seeking approval of their master interconnection and resale agreement: Upon agreement of all Commissioners present, the application was approved.

C-2819        In the Matter of the joint application of Qwest Corporation, Denver, Colorado, and MCImetro Access Transmission Services, LLC, Englewood, Colorado, seeking approval of line sharing, unbundled packet switching, UNE-P line splitting, change of law and loop splitting amendment to the interconnection agreement previously granted in Application C-2257: Upon agreement of all Commissioners present, the amendment was approved.

UNIVERSAL SERVICE FUND

NUSF-1 In the Matter of the Commission, on its own motion, seeking to establish guidelines for administration of the Nebraska Universal Service Fund: Jeff Pursley informed the Commission of companies that have not complied with the October 31, 2002, deadline to submit third party audits, including the requests for extension from Verizon Wireless and MCI WorldCom. Upon agreement of all Commissioners present, the requests for extension were denied and a hearing was set for a date later to be determined, to include all companies that are not in compliance.

Jeff Pursley informed the Commission that the next meeting of the Nebraska Universal Service Fund Advisory Board will be held on November 8, 2002, at 10:00 a.m. in the Commission Library, Lincoln.

WIRELESS E-911 DEPARTMENT

Kara Thielen updated the Commission on the implementation of Wireless E911.

FEDERAL REPORT

Accounting Issues:

The Federal Communications Commission (FCC) has convened a Federal-State joint conference on accounting to provide a forum for an ongoing dialogue between the Commission and the states in order to ensure that regulatory accounting data and related information filed by carriers is adequate, truthful and thorough.

Voice Over IP:

AT&T has filed a petition with the FCC for a declaratory ruling that its phone-to-phone services provided over the Internet are not subject to access charges. NARUC will be evaluating this issue.

LEGISLATION

Andy Pollock reported on legislative work in progress.

TRANSPORTATION DEPARTMENT

B-1407 In the Matter of Sharon Culp, dba Seward Limousine, Seward: Upon agreement of all Commissioners present, an Order to Show Case was entered and a hearing set for December 10, 2002, at 3:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

B-1581 In the Matter of Servant Cab Company LLC, dba Yellow Cab Company and Capital Cab Company, Lincoln, seeking approval to institute use of an alternate vehicle to augment its taxicab fleet: Upon agreement of all Commissioners present, approval was granted and Rule 011.01D waived.

B-1585 In the Matter of Easy Car Rental Co., Inc., dba Budget Car and Truck Rental, Omaha, seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers between Sleep Inn and Eppley Airfield and between Sleep Inn and Old Market over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners present, the application was granted as amended.

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: Upon agreement of all Commissioners present, the application was denied.

B-1590 In the Matter of Alford Oil Company, dba Embassy Limo, Omaha, seeking to acquire, through transfer, the authority granted to Embassy Limousine, Inc., Omaha, in Certificate B-1392: Upon agreement of all Commissioners present, the application was granted as modified.

B-1602 In the Matter of Cedars Youth Services, Inc., Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service between points in Lancaster, Butler, Cass, Fillmore, Franklin, Gage, Jefferson, Johnson, Nemaha, Otoe, Polk, Saline, Sarpy, Seward, Thayer and Saunders counties over irregular routes: Upon agreement of all Commissioners present, the application was dismissed without prejudice.

B-1607 In the Matter of Mount Vernon Baptist Church Guardian Angel, Omaha, seeking to acquire, through transfer, the authority granted to Mount Vernon Baptist Church, dba Mount Vernon Baptist Church, Omaha, in Permit B-1565: Upon agreement of all Commissioners present, temporary authority was granted.

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 16 cents per mile and the taxi surcharge at 20 cents per trip.

The Commission recessed at 2:05 p.m. and reconvened at 2:20 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Vap present and Commissioner Landis excused.

GENERAL ADMINISTRATION

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

Cornhusker State Industries	\$ 669.13
Ted Burkey	2,016.50
Larry Fauss	875.00
NARUC	900.00
Robert Bowman	1,339.36
Cheryl Elton	444.78
Fred Massing	928.14
Anne Boyle	569.40
Gerald Vap	711.78

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

Attention was called to the following proceedings:

Tuesday, November 5, 2002:

B-1301 Commission Hearing Room, Lincoln. Show Cause Hearing  
3:00 Terry E. Jones, d/b/a T.J.'s Limousine Service, Brownville.  
Commissioner Vap chairing.

Wednesday, November 6, 2002:

9:30 Commission Hearing Room, Lincoln.  
Educational Seminar covering central office issues with Alltel giving the presentation.

NUSF-26 Commission Hearing Room, Lincoln. Oral Argument.  
1:30 The Commission, on its own motion, seeking to establish a long-term universal service funding mechanism. Commissioner Rod Johnson chairing.

Friday, November 8, 2002:

10:00 Commission Library, Lincoln.  
Nebraska Universal Service Fund Advisory Board Meeting.

Friday, November 15, 2002:

9:00 CST Commission Library, Lincoln, and Von Riesen Library, Room 6, Basement Level, 1205 East 3<sup>rd</sup> Street, McCook. Wireless E911 Advisory Board.

GENERAL ADMINISTRATION (Cont.)

Monday, November 18, 2002:

C-2483/ Commission Hearing Room, Lincoln. Workshop  
PI-43 The Commission, on its own motion, seeking to re-examine \  
2:00 its retail quality of service standards for all local ex-  
change carriers operating within the state of Nebraska.  
Commissioner Landis chairing.

Upon agreement of all Commissioners present, authorization was granted for Brenda Wicken to pay Commission invoices from November 5-18, 2002.

Upon agreement of all Commissioners present, authorization was granted for John Fecht to grant all grain warehouse licenses that meet statutory requirements from November 5-18, 2002.

The Commission discussed the deficit request regarding the Telephone Competitive Marketplace Fund. Upon agreement of all Commissioners present, the Commission approved moving forward with the deficit request of \$50,000 for spending authority for the Telephone Competitive Marketplace Fund.

COMMUNICATIONS DEPARTMENT

C-2780 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado: The Commission discussed potential hearing dates and arbitrators.

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The meeting adjourned at 2:37 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Vap present and Commissioner Landis excused. The next regularly scheduled meeting will be held on November 19, 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 November 18, 2002.

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Chair

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Executive Director