

Chair Boyle called the regularly scheduled meeting to order at 1:08 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published November 26, 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 December 3, 2002, at 1:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

Cheryl Elton provided the monthly report of the quantity and type of complaints received by the Communications Department during the preceding month.

FC-1309 In the Matter of Houlton Enterprises, Inc., d/b/a Guaranteed Phone Service, Council Bluffs, Iowa, vs. Qwest Corporation, Denver, Colorado, regarding erroneous billing: Gene Hand informed the Commission that this complaint was filed November 27, 2002, and Qwest Corporation was notified that the answer date is December 20, 2002.

C-2648 In the Matter of the Petition of Nebraska Technology & Telecommunications, Inc., Omaha, seeking arbitration of the interconnection rates, terms and conditions with Aliant Communications Co., dba ALLTEL: Gene Hand discussed the arbitrator's initial decision filed November 27, 2002. The matter will be further addressed at a future Commission meeting.

C-2716 In the Matter of the petition from residents of the Bertrand exchange, served by Citizens Communications, requesting extended area service (EAS) to the Holdrege exchange, served by Qwest Communications: Gene Hand provided a report on the informational meeting held November 20, 2002. Upon agreement of all Commissioners, a survey for EAS between Bertrand and Holdrege should be conducted and the proposed ballot was approved for mailing on January 10, 2003.

C-2738/  
PI-58 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into rates, terms and conditions for wireless terminating traffic to conduct an investigation into rates, terms and conditions for wireless terminating traffic: Gene Hand discussed the proposed order which will be addressed at a future Commission meeting.

UNIVERSAL SERVICE FUND

NUSF-1 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the administration of the Nebraska Universal Service Fund: Upon agreement of all Commissioners, an order was granted extending the time as requested by MCI/WorldCom, Inc. to comply with the audit requirements of Progression Order #7.

NUSF-30 In the Matter of the Commission, on its own motion, seeking to determine what is "reasonably comparable" with respect to rates charged for urban and rural consumers: Jeff Pursley informed the Commission that Hearing Officer Vap had continued the hearing previously set for December 10, 2002, to a date later to be determined.

FEDERAL REPORT

Wireless E-911: At the request of wireless carriers, the Federal Communications Commission (FCC) has clarified its enhanced 911 rules regarding the timing of implementation. Originally, once a PSAP requested E-911, a wireless carrier had 6 months to deploy services. Now, this six-month period may be tolled if PSAPs can't demonstrate their readiness to handle the enhanced data.

The FCC also expressed concern about the pace at which LECs are making upgrades necessary for E911 deployment, and warned that it could impose new rules upon LECs or take enforcement action, if necessary.

LEGISLATION

Chris Post reported on grain legislation.

GRAIN WAREHOUSE DEPARTMENT

GW-2138 In the Matter of Atlanta Elevator, Inc., dba Atlanta Elevator, Atlanta: Chris Post informed the Commission that the Commission order has been appealed to the Court of Appeals.

TRANSPORTATION DEPARTMENT

B-1470 In the Matter of A-1 Ambassador Limousine, Inc., dba Haymarket Limousine, Lincoln: Upon agreement of all Commissioners, an order dismissing the show cause was entered and the hearing set for December 9, 2002, was cancelled.

TRANSPORTATION DEPARTMENT (Cont.)

B-1529 In the Matter of J.L.R.D., Inc., dba Lincoln Limousine, Lincoln: Upon agreement of all Commissioners, an order was entered dismissing the show cause and the hearing set for December 9, 2002, was cancelled.

M-14176 In the Matter of Aksarben Moving & Delivery, Inc., Carter Lake, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in and within a 15-mile radius of Omaha over irregular routes in straight trucks: Upon agreement of all Commissioners, the application was denied.

B-1589 In the Matter of Napoleon P. Agonor dba Ultimate Transit, 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 in open class service: The video hearing previously set for December 11, 2002, was continued to a date later to be determined.

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 in Nebraska intrastate commerce in the transportation of passengers in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof in sedans, buses, and vans between points in Douglas, Sarpy, and Lancaster Counties on the one hand, and, on the other hand, points in Nebraska over irregular routes: Shana Knutson reported that the applicant has appealed.

Rate Division

BR-282 In the Matter of Easy Car Rental Co., Inc., dba Budget Car and Truck Rental, Omaha, seeking authority to establish a contract rate for its use: Upon agreement of all Commissioners, the application was granted on an emergency basis.

BR-283 In the Matter of A-1 Ambassador, Inc., dba A-1 Special Services, Lincoln, seeking authority to establish open class rates for its use: Upon agreement of all Commissioners, the application was granted on an emergency basis.

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 12 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:

GENERAL ADMINISTRATION (Cont.)

Larry Fauss	\$ 800.00
Kent Pribyl	562.16

Attention was called to the following proceedings:

Tuesday, December 3, 2002:

Rule and Commission Hearing Room, Lincoln.  
Regulation The Commission, on its own motion, seeking to amend Title  
#155 291, Nebraska Administrative Code, Chapter 5, Telecommuni-  
3:00 cations Rules and Regulations, by adding new sections in  
accordance with the provisions of LB 1211 and to clarify  
and harmonize existing sections. Commissioner Boyle  
chairing.

Monday, December 9, 2003:

NUSF-34.1 Commission Hearing Room, Lincoln.  
11:00 The Commission, on its own motion, seeking to conduct an  
inquiry into the failure of GCC License LLC, dba Western  
Wireless/WWC License LLC, to accurately report information as  
set forth in Commission rules and regulations and Commission  
orders. Commissioner Rod Johnson chairing.

FC-1306 Commission Hearing Room, Lincoln.  
1:30 Mid-America Pay Phones, Omaha, vs. ALLTEL, Lincoln, alleging  
unsatisfactory business practices. Commissioner Rod Johnson  
chairing.

Upon agreement of all Commissioners, authorization was  
granted for Fred Massing to travel to Clay Center, Kansas, to perform  
a modular housing unit factory inspection at Wardcraft Homes on  
November 21, 2002, with all expenses, including time, to be reimbursed  
to the Commission by Wardcraft Homes.

Upon agreement of all Commissioners, authorization was  
granted for Commissioners and Gene Hand to attend the National Asso-  
ciation of Regulatory Utility Commissioners Winter Conference to be  
held in Washington, DC from February 22-26, 2003.

Upon agreement of all Commissioners, Commission meetings  
were set on the following dates at 10:00 a.m. in the Commission  
Hearing Room, Lincoln:

January 7, 14, 22 and 28, 2003  
February 4, 11 and 19, 2003  
March 4, 11 and 18, 2003

The meeting adjourned at 1:35 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on December 10, 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 December 9, 2002.

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Chair

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Executive Director