

Chair Boyle called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused for the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published January 2, 2003, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 7, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Commissioner Vap moved to elect Commissioner Boyle as Chair of the Commission and Commissioner Landis seconded the motion. Upon agreement of all Commissioners present, Commissioner Boyle was elected Chair of the Commission.

Commissioner Landis moved to elect Commissioner Vap as Vice Chair of the Commission and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners present, Commissioner Vap was elected Vice Chair of the Commission.

COMMUNICATIONS DEPARTMENT

Dick Palazzolo presented a report on the quantity and type of complaints received by the Communications Department during the preceding month. He provided updated information and informed the Commission that an investigation will be opened regarding Advantage Telecommunications Corporation's telemarketing practices.

Commissioner Rod Johnson entered the Commission Hearing Room during the discussion.

FC-1296 In the Matter of Cox Nebraska Telcom, L.L.C., Omaha, and
FC-1297 Illuminet, Olympia, Washington, vs. Qwest Communications, Inc., Omaha, alleging violations of state law and policy, as well as tariff obligations and Alltel Nebraska, Inc. and ALLTEL Communications of Nebraska, Inc., Complainant, vs. Qwest Corporation, Respondent, requesting a review of Qwest's Common Channel Switched Access Capability Signaling rate elements as set forth in Qwest's Access Service Catalog: Chris Post discussed Qwest's motion and the need for reconsideration of an oral argument. After discussion, the Commission set an oral argument for January 15, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln. A call-in number will be available at 472-6290.

FC-1306 In the Matter of Mid America Payphones, Omaha, vs. ALLTEL, Lincoln, alleging unsatisfactory business practices: ALLTEL Communications request to exclude Late-Filed Exhibit No. 4 attachments was denied and all exhibits will be allowed into the record in this matter.

COMMUNICATIONS DEPARTMENT (Cont.)

FC-1309 In the Matter of Houlton Enterprises, Inc., d/b/a Guaranteed Phone Service, Council Bluffs, Iowa, vs. Qwest Corporation, regarding erroneous billing: An order was entered by Hearing Officer Boyle on December 30, 2002, granting Qwest an extension for the answer due date to January 15, 2003.

FC-1310 In the Matter of ALLTEL Communications of the Midwest, Inc., Lincoln, vs. Qwest Corporation, Denver, Colorado, regarding DS1 circuit pricing: The Commission was informed that a formal complaint was filed December 17, 2002, and Qwest Corporation was notified that the answer date was January 6, 2003. The Motion from Qwest to extend the answer date for one week was approved by Hearing Officer Lowell Johnson.

C-2750 In the Matter of Qwest Corporation, Denver, Colorado, seeking Amended approval of its revised statement of generally available terms (SGAT) to include a PO-20 Performance Measurement: Upon agreement of all Commissioners, an order was entered denying Qwest's proposed PO-20.

C-2804 In the Matter of Global Communications Consulting Corp., Morganville, New Jersey, seeking authority for a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services and for approval of its initial tariff: Upon agreement of all Commissioners, the application was withdrawn at applicant's request.

C-2844 In the Matter of Allo Communications, LLC, Imperial, seeking authority to operate as a local exchange and interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2845 In the Matter of the joint application of Matrix Telecom, Inc., Oklahoma City, Oklahoma, and International Exchange Communications, Inc., Burlingame, California, seeking approval of the transfer of certain assets and related transactions and a waiver of applicable anti-slamming regulations: Upon agreement of all Commissioners, the application was granted.

Dick Palazzolo informed the Commission that a Federal Communications Commission National Pooling Rollout Schedule conference call is scheduled for January 16, 2003, at 1:00 p.m. CDT. The dial-in number is 847-407-6238 and 8024053# pass code for the First Implementation Meeting of the Thousands Block Number pooling in the Nebraska 308 NPA. The staff will notify all carriers of the conference call.

COMMUNICATIONS DEPARTMENT (Cont.)

John Burvainis discussed the upcoming vacancies on the Telecommunications Relay System (TRS) Advisory Committee. The Commission tentatively approved Jerry Vap to represent the Commission on the committee. The staff was directed to research the by-laws to determine whether the industry representatives' term expires on January 31, 2003.

John Burvainis discussed Hamilton Telephone Company's future plans to introduce their Internet Relay Service.

UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking
P.O. #4 to establish a long-term universal service funding mechanism: Upon agreement of all Commissioners, an order was entered seeking comments. A written response from interested parties is due on or before January 21, 2003, with comments due on or before March 10, 2003 and reply comments due on or before April 9, 2003.

WIRELESS E-911 DEPARTMENT

Commissioner Boyle informed the Commission that Governor Johanns has reappointed advisory board members whose terms expired.

PSAP-023 In the Matter of Dawes County PSAP, Chadron, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

Kara Thielen informed the Commission that an E-911 Advisory Board meeting is scheduled via video for January 24, 2003, at 1:00 p.m. CT and 12:00 p.m. MT in the Commission Library, Lincoln; Public Library and Information Center, 2nd Floor, 2020 First Avenue, Kearney; Von Riesen Library, Room 6, basement level, 1205 East 3rd Street, McCook; and Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff.

Kara Thielen discussed plans for the Phase II Technology Conference scheduled for April 16-17, 2003, in Grand Island.

RULES AND REGULATIONS

Rule and Regulation #154 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 7, Transmission Lines Rules and Regulations, to adopt the 2002 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: Shana Knutson informed the Commission that the rules have been approved by the Attorney General's Office and will be forwarded to the Governor for his signature.

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, a Certificate of Adoption was entered.

Chris Post discussed the update to the Modular Housing Rules and Regulations.

FEDERAL REPORT

UNE-P: On Monday, January 6, 2003, the Wall Street Journal reported that the Federal Communications Commission (FCC) is planning a two-year phase out of UNE-P. TR Daily reported that a written order has not yet been circulated at the FCC, nor have Commissioners been briefed on any proposals. Brad Ramsey of NARUC has indicated that he does not believe any firm decision has been made yet.

Do Not Call: The House Commerce Committee is holding a hearing on the Federal Trade Commission's Do-Not-Call rules on January 8, 2003.

LEGISLATIVE REPORT

Andy Pollock reported on a meeting with Senator Beutler regarding PSC cash funding. Commissioner Landis reported on a resolution opposing cash funding. Laura Davenport discussed PSC legislative proposals. Commissioner Boyle left the Commission Hearing Room during this discussion.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich reported on the update to the Modular Housing Rules and Regulations.

TRANSPORTATION DEPARTMENT

B-1144 In the Matter of Brown's Crew Car of Wyoming, Inc., dba Armadillo Express, Cheyenne, Wyoming, seeking Commission approval to waive the age qualification for driving a motor vehicle: Upon agreement of all Commissioners present, the application was granted and the rule waived.

Commissioner Boyle returned to the Commission Hearing Room.

B-1352 In the Matter of Executive Limousine Service, Inc., Norfolk, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1352 until January 1, 2004: Commissioner Lowell Johnson moved to grant the application and Commissioner Vap seconded the motion. Commissioners Lowell Johnson, Rod Johnson, Landis and Vap voted aye and Commissioner Boyle was present, not voting. The motion passed, the application was granted and Certificate B-1352 was suspended.

B-1432 In the Matter of Rolland C. Gressley, dba Aquila Limo Service, Rockville, seeking a suspension of the Certificate of Public Convenience and Necessity issued in Application B-1432 until January 10, 2004: Commissioner Vap moved to grant the application and Commissioner Lowell Johnson seconded the motion. Commissioners Lowell Johnson, Rod Johnson, Landis and Vap voted aye and Commissioner Boyle voted nay. The motion passed, the application was granted and Certificate B-1432 was suspended.

B-1581 In the Matter of Servant Cab Company LLC, dba Yellow Cab Company & Capital Cab Company, Lincoln, seeking an interpretation of its authority: Upon agreement of all Commissioners, the application was granted in part.

B-1599 In the Matter of A & R Klassic Kars Limousine Service LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by sedan and luxury or stretch limousines between points in Douglas, Sarpy, Lancaster and Washington counties. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, the application was granted.

FC-1300 In the Matter of Abbott Transportation, Inc., Complainant, vs. Easy Car Rental Co., Inc., dba Budget Car and Truck Rental, Defendant: Upon agreement of all Commissioners, the complaint was sustained.

Rate Division

MR-1007 In the Matter of the 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 1 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners, the application was granted on an emergency basis.

TRANSPORTATION DEPARTMENT (Cont.)

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 increased to 16 cents per mile and the taxi surcharge was retained at 15 cents per trip.

John Schmidt provided the Commission with an update on the number of complaints received by the department.

Commissioner Landis asked about household mover charges. Shana Knutson indicated that an order opening an investigation was in the process.

Commissioner Vap left the Commission Hearing Room.

GENERAL ADMINISTRATION

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

Cornhusker State Industries	\$ 459.23
DAS - Communications	3,146.51
DAS - Transportation Services Bureau	405.38
Ted Burkey	967.50
Hamilton Relay Inc.	80,880.11

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

Commissioner Landis left the Commission Hearing Room.

Attention was called to the following proceeding:

Tuesday, January 7, 2003:

B-1585 Commission Hearing Room, Lincoln. Oral Argument
1:30 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. Commissioner Boyle chairing.

Commissioners Landis and Vap returned to the Commission Hearing Room.

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss litigation and personnel issues and

Commissioner Vap seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:30 a.m.

Commissioner Vap moved that the Commission return to open session and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:35 a.m.

Upon agreement of all Commissioners, authorization was granted for employees to carry over 4 hours vacation who were planning to use vacation on Christmas Eve and who may be at the maximum yearly total. Governor Johanns declared Christmas Eve afternoon a state holiday.

Upon agreement of all Commissioners, authorization was granted to hire a Telecommunications Analyst.

The meeting adjourned at 11:40 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on January 14, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 13, 2003.

Chair

Executive Director