

Chair Boyle called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published January 28, 2003, on Page 11 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 4, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

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

C-2874/ In the Matter of the Commission, on its own motion, seeking
PI-71 to investigate the current status of distance learning in
Nebraska: Upon agreement of all Commissioners present, an
order was entered opening docket, seeking comments by March 7, 2003,
and setting a video workshop for March 18, 2003, at 2:00 p.m. CST in
the Commission Library, Lincoln, and at the following videoconference
sites:

Columbus Public Library
Columbus Room, 2nd Floor
2504 14th Street
Columbus, NE 68601

College Park
Conference Room C
3180 West Highway 34
Grand Island, NE 68801

Hastings Public Library
517 West 4th Street
Hastings, NE 69101

Kearney Public Library
2020 First Avenue
Kearney, NE 68849

Von Riesen Library
Room 6, Basement Level
1205 East 3rd Street
McCook, NE 69001

Northeast Community College
Macclay Building, Room, 122
801 East Benjamin Avenue
Norfolk, NE 68702

McKinley Education Center
301 West F Street
North Platte, NE 69101

Avera St. Anthony's Hospital
Cornhusker Room
2nd and Adams Street
O'Neill, NE 68763

Panhandle Learning Center
High Plains Room
4502 Avenue I
Scottsbluff, NE 69361

NOTE: 1:00 PM MDT

COMMUNICATIONS DEPARTMENT (Cont.)

C-2663/
PI-56 In the Matter of the Commission, on its own motion, seeking to investigate telecommunications companies' release of customer proprietary network information: Upon agreement of all Commissioners present, an order was entered closing the docket.

C-2750 Amended In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its revised statement of generally available terms (SGAT) pursuant to Section 252(f) of the 1996 Telecommunications Act (Amended application with revised Exhibit A was filed by Qwest.): Upon agreement of all Commissioners present, the application was granted.

C-2850 In the Matter of Concert Communications Sales, LLC, Reston, Virginia, seeking authority to change its name to BT Communications Sales, LLC: Upon agreement of all Commissioners present, the application was granted with respect to applicant's local exchange carrier authority. Interexchange telecommunications services approval was granted on January 28, 2003.

C-2852 In the Matter of NTERA, Inc., Miami, Florida, seeking authority to operate as a reseller and facilities-based common carrier of local exchange and interexchange telecommunications service: Upon agreement of all Commissioners present, the application was granted.

C-2854 In the Matter of Convergia, Inc., Pointe Claire, Quebec, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2855 In the Matter of Qwest LD Corp., Denver, Colorado, seeking authority for a name change to add doing business as (d/b/a) Qwest Long Distance to its certificate of operating authority: Upon agreement of all Commissioners present, the application was granted.

C-2856 In the Matter of Qwest Corporation, Denver, Colorado, and ALLTEL Communications of the Midwest, Inc., f/k/a Aliant Midwest, Inc., d/b/a ALLTEL, Lincoln, seeking approval of an amendment to a wireline interconnection agreement previously approved in Application C-1530: Upon agreement of all Commissioners present, the amendment was granted.

C-2857 In the Matter of Qwest Corporation, Denver, Colorado, and Sprint Communications, LP, Overland Park, Kansas, seeking approval of a CLEC-to-CLEC Cross Connections amendment to an interconnection agreement previously-approved in Application C-2328: Upon agreement of all Commissioners present, the amendment was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2858 In the Matter of Citizens Telecommunications Company of Nebraska, Mound, Minnesota, and Level 3 Communications, LLC, McLean, Virginia, seeking approval of an interconnection agreement: Upon agreement of all Commissioners present, the application was granted.

FC-1309 In the Matter of Houlton Enterprises, Inc., d/b/a Guaranteed Phone Service, Council Bluffs, Iowa, vs. Qwest Corporation, regarding erroneous billing: Gene Hand informed the Commission that Qwest filed an Answer and Affirmative Defenses on January 16, 2003.

FC-1310 In the Matter of ALLTEL Communications of the Midwest, Inc., Lincoln, vs. Qwest Corporation, Denver, Colorado, regarding DS1 circuit pricing: Gene Hand discussed Qwest's answer, motion to dismiss and request for an oral argument filed on January 13, 2003. An oral argument was scheduled for a date later to be determined.

Engineering Department

E-1966 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Garden County: Upon agreement of all Commissioners present, the application was granted.

WIRELESS E-911 DEPARTMENT

PSAP-002.2 In the Matter of Douglas County PSAP, Omaha, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted.

PSAP-006.3 In the Matter of Dodge County PSAP, Fremont, seeking funding approval for recurring and non-recurring costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, the was granted.

PSAP-022.1 In the Matter of Jefferson County PSAP, Fairbury, seeking funding approval for recurring and non-recurring costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, the was granted.

LEGISLATION

The Commission approved the following fiscal notes:

LB 321, dealing with filing fees bill
LB 532, proposing criminal background check for drivers transporting passengers.

GRAIN WAREHOUSE DEPARTMENT

GW-1094 In the Matter of Employers Mutual Casualty Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. S11 66 51 in the amount of 271,900.00, issued on behalf of Nehawka Farmers Cooperative Co., Nehawka, Avoca, Dunbar, Mynard, and Syracuse: Application was granted effective September 1, 2002.

GW-2094 In the Matter of Old Republic Surety Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. RLI 514299 in the amount of \$196,500.00, issued on behalf of Tri County Feed & Grain, Inc., Randolph: Application was granted effective January 10, 2003.

Grain Dealer Division

The following applicant was granted a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2003:

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|---------|-------------------------------------|-----------------------------|
| GD-2851 | Goose Commodities, L.L.C., Imperial | <u>SECURITY</u> \$35,000 |
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TRANSPORTATION DEPARTMENT

B-1441 In the Matter of R & F Hobbies, Inc., dba Prince of the Supp. 2 Road, Ravenna, seeking to extend its authority as a common carrier of passengers in Nebraska intrastate commerce in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Nebraska over irregular routes: The oral argument previously scheduled for February 4, 2003, was continued to February 19, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as Hearing Officer.

B-1594 In the Matter of A-1 Ambassador Limousine, Inc., dba A-1 Special Services, Lincoln, seeking authority as a common carrier of passengers in Nebraska intrastate commerce in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Nebraska over irregular routes: The oral argument previously scheduled for February 4, 2003, was continued to February 19, 2003, at 3:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

Rate Division

MR-1008 In the Matter of 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 2 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners present, 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 18 cents per mile and the taxi surcharge was increased to 25 cents per trip.

GENERAL ADMINISTRATION

The Commission discussed rescheduling the Commission meeting set for March 18, 2003, to March 25, 2003.

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

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| Ted Burkey | \$ 695.00 |
| Data Source Media | 325.91 |
| Executive Travel Inc. | 300.50 |
| GovConnection, Inc. | 1,066.00 |
| Horizon Inn | 334.50 |
| NCSBCS | 3,000.00 |
| NARUC | 1,125.00 |
| Gerald Vap | 676.80 |

Upon agreement of all Commissioners present, authorization was granted for Mark Luttich to travel to Phoenix, Arizona, from April 7-11, 2003, to attend the Recreational Vehicle Industry Association (RVIA) Meeting to develop the new construction code for recreational vehicles with all expenses to be paid by the PSC.

Upon agreement of all Commissioners present, authorization was granted for Jeff Pursley to travel to Washington, DC, from February 22-24, 2003, to attend the National Association of Regulatory Utility Commissioners (NARUC) Winter Conference and participate in the NUSF Joint Board meetings.

Attention was called to the following proceedings:

Monday, February 10, 2003:

B-1589 Video Hearing. Commission Library, Lincoln, and Nebraska
10:00 State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha. Napoleon P. Agonor, dba Ultimate Transit, Omaha, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers over irregular routes by passenger van between points in Omaha, Bellevue, Papillion, LaVista, Ralston, and Elkhorn, including transportation of clients of the Department of Health and Human Services or their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Boyle chairing.

GENERAL ADMINISTRATION (Cont.)

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss litigation issues and Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:03 a.m.

Commissioner Vap moved that the Commission return to open session and Commissioner Landis seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:37 a.m.

The meeting adjourned at 11:37 a.m. with Commissioners Boyle, Lowell Johnson Landis and Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on February 11, 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 February 10, 2003.

Chair

Executive Director