

Chair Boyle called the regularly scheduled meeting to order at 10:07 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published August 26, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 3, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, September 3, 2003:

911-02 Commission Hearing Room, Lincoln.
1:30 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Commissioner Vap chairing.

COMMUNICATIONS DEPARTMENT

Cheryl Elton provided a report on telecommunications complaints received by the Communications Department during the preceding month.

C-2483 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: Gene Hand distributed the July, 2003 Alltel service quality report.

C-2846 In the Matter of the Petition from residents of the Creston exchange, served by Qwest Corporation, requesting extended area service (EAS) to the Columbus exchange, served by Citizens Telecommunications Company of Nebraska: Upon agreement of all Commissioners, the petition was granted.

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking contract carrier permit authority: Gene Hand informed the Commission that notice was received of an appeal by the City of Lincoln, d/b/a Lincoln Electric System, to the District Court of Lancaster County, Nebraska.

C-2990 In the Matter of Eschelon Telecom, Inc., Minneapolis, Minnesota, seeking to withdraw its certificates of authority granted in Applications C-2306 and C-2307: Upon agreement of all Commissioners, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2988 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of basic installation with cooperative testing to the interconnection agreement previously approved in Application C-2325, with DIECA Communications, d/b/a Covad Communications Company, Denver, Colorado: Upon agreement of all Commissioners, the amendment was approved.

C-2989 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of Performance Assurance Plan Amendment Number 8 to the interconnection agreement previously approved in Application C-1379, with TCG-Omaha: Upon agreement of all Commissioners, the amendment was approved.

Gene Hand discussed a Qwest press release announcing that Valley residents can now receive Qwest high-speed digital subscriber line (DSL) service.

Gene Hand discussed the filing of guidelines for wireless local number portability in rural areas by Rural Wireless Working Group with the Federal Communications Commission (FCC).

Gene Hand informed the Commission that CHOICE, a coalition of 10 digital subscriber line (DSL) competitive local exchange carriers (CLECs) that all provide residential consumers with broadband services using the line-sharing unbundled network elements (UNE), filed a petition with the Federal Communications Commission (FCC) requesting a temporary delay only on two limited aspects of its line-sharing decision.

Gene Hand informed the Commission that a Petition for a Writ of Mandamus seeking a stay of the November 24, 2003, FCC deadline for wireless carriers to provide number portability was filed jointly by AT&T Wireless Services, Inc., Cingular Wireless, LLC and Alltel Communications, Inc. in the United States Court of Appeals for the District of Columbia Circuit.

Gene Hand noted that the Triennial Review order was published in the Federal Register.

C-2969/
DC-63 In the Matter of the Nebraska Public Service Commission Communications Department, seeking an order to cease and desist operations and to revoke the Certificates of Public Convenience and Necessity issued to the named defendants: Gene Hand informed the Commission that Western CLEC Corporation and WWC License, LLC (Western Wireless) annual reports were filed late for the third consecutive year. The staff was directed to propose appropriate measures to be taken regarding carriers that are repeat violators of the filing deadline.

COMMUNICATIONS DEPARTMENT (Cont.)

C-1889 In the Matter of GCC License Corporation (Western Wireless), Issaquah, Washington, seeking designation as an Eligible Telecommunications Carrier that may receive Universal Service support: Gene Hand discussed the advertising plan filed on April 14, 2003, and the response to questions posed by the staff filed on June 27, 2003.

UNIVERSAL SERVICE FUND

NUSF-25 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support: Jeff Pursley discussed Western Wireless Federal ETC Certification. The staff was directed to prepare a letter to Western Wireless informing them that they would not be certified to receive FUSF support until a compliant tariff is filed.

Jeff Pursley reported on the Late-Filed Carrier Remittance Report, proposing a late handling fee for Z-Tel Communications and Matrix. The Commission approved the assessment of late handling fees for both companies without objection.

Jeff Pursley reported that a meeting is scheduled for 1:30 p.m. on September 17, 2003, in Grand Island regarding the telehealth plan in docket NUSF-26.

Jeff Pursley reported that the complaint approved last week against Charter-Fiberlink, docketed as NUSF-37.4, has been prepared and will be sent by certified mail to the carrier today.

Jeff Pursley reported that Qwest had requested an extension of time beyond the August 29, 2003, deadline, to remit their carrier contact information. As of today, that information has been received.

E911 DEPARTMENT

911-004/
PI-73 In the Matter of the Commission, on its own motion, seeking to investigate enhanced 911 surcharges collected by wireless carriers: Upon agreement of all Commissioners, an order was entered to open the docket.

PSAP-028 In the Matter of Clay County, Clay Center, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

E911 DEPARTMENT (Cont.)

WSP-011 In the Matter of US Cellular, Chicago, Illinois, seeking approval of funding request of enhanced wireless 911 service: Upon agreement of all Commissioners, the application was granted.

Kara Thielen informed the Commission of Lt. John Herron's resignation from the Advisory Board. Applications for that and other vacant positions were forwarded to all known interested parties on August 22, 2003, to assist the Governor in the search for qualified personnel. Director Thielen further informed the Commission of an upcoming press release regarding the vacancies on the Advisory Board.

NATURAL GAS AND WATER DEPARTMENT

NG-0001 In the Matter of Aquila, Inc., d/b/a Aquila Networks
NG-0002 (Aquila), Omaha, seeking a general rate increase for
NG-0003 Aquila's Rate Area One, Rate Area Two and Rate Area Three:
Upon agreement of all Commissioners, a Protective Order was entered.

NG-0009 In the Matter of Cornerstone Energy, Omaha, seeking authority for a Competitive Natural Gas Provider Certificate in the state of Nebraska: Laura Demman informed the Commission that the application was filed August 22, 2003.

NG-0010 In the Matter of Kinder Morgan, Lakewood, Colorado, seeking authority to implement gas supply cost adjustment applicable to Nebraska rate schedules: Laura Demman informed the Commission that the application was filed August 29, 2003.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 8, Grain Warehouse Rules and
#158 Regulations, to adopt rules in accordance with Nebraska
Legislative Bill 735 [2003]: Upon agreement of all Commissioners, an order was entered seeking public comment. A hearing was scheduled for October 15, 2003, at 1:30 p.m. in the Commission hearing Room, Lincoln.

GRAIN WAREHOUSE DEPARTMENT

GW-447 In the Matter of Tri Valley Cooperative, St. Edward seeking cancellation of its Public Grain Warehouse License: The application was granted effective September 1, 2003.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-798 In the Matter of Cadams Grain & Lumber Company, Cadams, seeking cancellation of its Public Grain Warehouse License: The application was granted effective August 28, 2003.

GW-1097 In the Matter of Agland Coop, Oakland, seeking cancellation of its Public Grain Warehouse License: The application was granted effective September 1, 2003.

GW-2154 In the Matter of Pride Grain LLC, Long Pine seeking special storage rates: A telephonic hearing was scheduled for September 23, 2003, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

Grain Dealer Division

GD-2851 In the Matter of Goose Commodities LLC, Imperial, seeking cancellation of its Grain Dealer License: The application was granted effective September 1, 2003.

Commissioner Vap left the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

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 18 cents per mile and the taxi surcharge at 30 cents per trip.

Laura Demman advised the Commission that some limousine operators are requesting the use of "limo buses", buses in which the interiors have been reconfigured to resemble a limousine, in their limousine business. It was agreed that limousine carriers who want to use "limo buses" will have to apply for bus authority.

Commissioner Vap returned to the Commission Hearing Room.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Communications	\$ 2,764.58
DAS - Materiel	360.14
DAS - Personnel	664.80
DAS - Transportation Services Bureau - Voyager	760.83
University of Nebraska-Lincoln-BBR	21,877.69
Executive Travel	321.00

GENERAL ADMINISTRATION (Cont.)

Kelly Services Inc.	700.00
NARUC	4,220.00
New Mexico State University	495.00
Stone Environmental Inc.	2,465.00
Miles Halcomb	331.66
Anne Boyle	525.60
Gerald Vap	559.44

Upon agreement of all Commissioners, authorization was granted for Commissioner Boyle to travel to Washington, DC, from September 16-18, 2003, to attend the AEI-Brookings Joint Center Meeting with most expenses to be paid by AEI.

Upon agreement of all Commissioners, authorization was granted for Commissioner Anne Boyle and Chris Post to travel to Seattle, Washington, from September 27-30, 2003, to attend the Qwest Regional Oversight Committee (ROC) Meeting.

Upon agreement of all Commissioners, a contract was approved for fiscal years 2002-2003 and 2003-2004 for Larry Fauss effective the date of the agreement.

Upon agreement of all Commissioners, Commission meeting for October, November and December, 2003, were scheduled as follows:

October 7, 15 (Wednesday), 21 and 28

November 4, 13 (Thursday) and 25
No meeting the week of November 17 (NARUC)

December 2, 9 and 16
No meetings the week of December 22 and 29

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel issues and Commissioner Jerry Vap seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:15 a.m.

Commissioner Jerry Vap moved that the Commission return to open session and Commissioner Rod Johnson seconded the motion. Upon agreement of all Commissioners, the Commission returned to open session at 11:30 a.m.

Upon agreement of all Commissioners, authorization was granted to allow moving expenses for Miles Halcomb subject to DAS guidelines.

The meeting adjourned at 11:34 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on September 9, 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 September 8, 2003.

Chair

Executive Director