

Chair Boyle called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis present and Commissioner Vap excused.

#### GENERAL ADMINISTRATION

Notice was duly published September 2, 2003, on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 9, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Boyle presented an admiralship to Floyd Olson for his work on the NUSF Advisory Board.

#### COMMUNICATIONS DEPARTMENT

FC-1306 In the Matter of Mid America Pay Phones, Omaha, vs. ALLTEL Communications, alleging unsatisfactory business practices: Upon agreement of all Commissioners present, an order was entered satisfying the complaint.

C-2872 In Matter of Great Plains Communications, Inc., Blair, seeking arbitration to resolve issues relating to an inter-connection agreement with WWC License L.L.C., Issaquah, Washington: Upon agreement of all Commissioners present and the parties involved, this matter will be on the September 23, 2003, agenda.

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking contract carrier permit authority: Upon agreement of all Commissioners present, the motion for an extension of time will be set for oral argument. The parties were notified that discovery is not expected to commence prior to a decision on the motion.

C-2971 In the Matter of the petition from residents of the Hildreth exchange, served by Citizens Telecommunications Company of Nebraska, requesting extended area service (EAS) to the Wilcox exchange, served by Great Plains Communications: Upon agreement of all Commissioners present, a Nunc Pro Tunc order was entered.

C-2987 In the Matter of Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks, Bluffdale, Utah, and Touch America, Inc. (Debtor-in-Possession), Butte, Montana, seeking approval of proposed customer base transfer: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2993 In the Matter of Hemingford Cooperative Telephone, Hemingford, seeking authority to modify the common exchange area boundary between the Alliance exchange, served by Qwest Communications, and the Hemingford exchange, served by Hemingford Cooperative Telephone Company: Upon agreement of all Commissioners present, the application was granted.

C-2994 In the Matter of C III Communications Operations, LLC, Austin, Texas, seeking authority for a corporate name change to Broadwing Communications, LLC: Upon agreement of all Commissioners present, the application was granted.

C-2996 In the Matter of New Access Communications, LLC, Minneapolis, Minnesota, seeking authority to acquire certain assets of Ciera Network Systems, Inc., Houston, Texas: Upon agreement of all Commissioners present, the application was granted.

C-2991 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of transient interim signaling capability interconnection agreement with Aliant Cellular, Inc., Grand Island: Upon agreement of all Commissioners present, the agreement was approved.

C-2992 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of custom local area signaling services network interconnection agreement with Aliant Midwest Inc., Lincoln: Upon agreement of all Commissioners present, the agreement was approved.

Gene Hand discussed the following Triennial Review topics:

- Summary of the Federal Communication Commission's (FCC) Triennial Review Order published by the National Association of Regulatory Utility Commissioners (NARUC).
- The United States Telephone Association (USTA) and the Regional Bell Operating Companies (RBOCs) have petitioned the FCC to stay portions of the Triennial Review Order, a required first step toward petitioning a court for a stay of the order.

Gene Hand informed the Commission that a draft of the 2003 Annual Report to the Legislature will be available for review this week. The submission deadline to the Legislature is September 30, 2003.

COMMUNICATION DEPARTMENT (Cont.)

C-2969/ DC-63 In the Matter of the Commission, Communications Department, 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, the application was dismissed in part and a hearing scheduled for October 15, 2003, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

C-2995 In the Matter of Qwest Communications Corporation, Denver, Colorado, seeking authority to operate as a competitive local exchange carrier of telecommunications services within the state of Nebraska: Gene Hand informed the Commission that to date, five parties have intervened. The staff was directed to contact the parties to determine if a pre-hearing conference should be held.

UNIVERSAL SERVICE FUND DEPARTMENT

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: Upon agreement of all Commissioners present, an order was entered approving those Nebraska carriers remitting self-certification affidavits for federal high-cost support. Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Frank Landis voting AYE. Commissioner Jerry Vap was absent not voting.

Jeff Pursley reported that there were no Late-Filed Carrier Remittances since the last Commission Meeting on September 3, 2003, and that also the format of the report itself had changed.

NUSF-37.2 Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Nebraska Public Service Commission, Complainant, vs. Continental Paging, Respondent: Jeff Pursley reported that the proposed Stipulation Agreement for payment of handling fees and fines was received. The Commission approved the Stipulation without objection.

NUSF-33 In the Matter of the Commission, on its own motion, seeking to investigate the audit requirements related to the Nebraska Universal Service Fund: Jeff Pursley reported on a letter received from Kate Witek's office regarding audit procedures. The Commission directed Mr. Pursley to respond to the letter.

Jeff Pursley reported on a letter received by a customer in Qwest's service area and discussion was held on the appropriate response. The Commission directed Mr. Pursley to work with Qwest in a response to the customer.

UNIVERSAL SERVICE FUND DEPARTMENT (Cont.)

Jeff Pursley reported on the progress of the mass mailing by the Nebraska Health and Human Services (HHS) regarding the Nebraska Telephone Assistance Program (NTAP).

Jeff Pursley reported that Qwest's Request for Production of Documents in NUSF-26 had been withdrawn.

E911 DEPARTMENT

911-005/ DC-64 In the Matter of Kara J. Thielen, Director, Nebraska Public Service Commission, Wireless E911 Department, Complainant, v. Virgin Mobile, Defendant: Upon agreement of all Commissioners present, a complaint was filed.

PSAP-001.3 In the Matter of Sarpy County PSAP, Papillion, seeking supplementary funding approval for costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, the application was granted in part.

PSAP-011 In the Matter of Merrick County PSAP, Central City, seeking supplementary funding approval for costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, a hearing was set for a date later to be determined. Commissioner Rod Johnson will preside as Hearing Officer.

PSAP-015 In the Matter of Colfax County PSAP, Schuyler, seeking supplementary funding approval for costs associated with Wireless E911 implementation: Upon agreement of all Commissioners present, a hearing was set for a date later to be determined. Commissioner Rod Johnson will preside as Hearing Officer.

NATURAL GAS AND WATER DEPARTMENT

NG-0004 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), seeking a waiver of notice and publication and to implement supply cost adjustment rate schedules for Aquila's Rate Area One, Rate Area Two and Rate Area Three: Upon agreement of all Commissioners, the application was granted.

NG-0006 In the Matter of the tariff for natural gas service available in the entire territory served by NorthWestern Energy in the state of Nebraska: Upon agreement of all Commissioners, an order was entered accepting the tariff.

NATURAL GAS DEPARTMENT (Cont.)

NG-0011/  
PI-74 In the Matter of the Commission, on its own motion, seeking to conduct an investigation for the purpose of monitoring NorthWestern Energy's financial condition and ability to continue providing adequate and reliable service to its customers: Upon agreement of all Commissioners, an order was entered opening the docket.

LEGISLATIVE REPORT

Andy Pollock reported on the status of work on the Commission's legislative proposals.

TRANSPORTATION DEPARTMENT

Bob Harrison reported on informal complaints.

Andy Pollock reported on the status of open dockets.

B-1514 In the Matter of All Nations Church of The Lord Jesus Christ, dba All Nations Specialized Transport & Travel Service, Lincoln: Upon agreement of all Commissioners present, an Order to Show Cause was entered and a hearing set for October 14, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as hearing officer.

MCC-3152 In the Matter of Andy Pollock, Director, Motor Transportation, vs. Apartment Movers of Omaha, Omaha: Upon agreement of all Commissioners present, a complaint was entered.

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 was at 30 cents per trip.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners present, Commission minutes for the month of August 2003 were approved.

Upon agreement of all Commissioners present, authorization was granted to surplus a 1999 Chevrolet Lumina, Vehicle #9487 (Dave Meyer).

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted for Fred Massing to travel to Clay Center, Kansas on September 10, 2003, to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Boyle, Lowell Johnson and Vap to attend the National Association of Regulatory Utility Commissioners Annual Conference to be held in Atlanta, Georgia, from November 15-19, 2003.

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The meeting adjourned at 11:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Landis present and Commissioner Vap excused. The next regularly scheduled meeting will be held on September 16, 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 15, 2003.

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Chair

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Executive Director