

Vice Chair Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Lowell Johnson and Landis present and Commissioners Boyle and Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published October 14, 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 October 21, 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:

Tuesday, October 21, 2003:

Rule and Commission Hearing Room, Lincoln.
Regulation The Commission, on its own motion, seeking to amend Title
#157 291, Chapter 9, Pipeline Common Carriers Rules and Regu-
2:00 lations, to adopt rules in accordance with Nebraska Legis-
lative Bill 790 [2003]. Commissioner Landis chairing.

Wednesday, October 22, 2003:

TR-129 Commission Hearing Room, Lincoln.
9:30 Servant Cab Company LLC, dba Yellow Cab Company and Capital
Cab Company, Lincoln, seeking authority to amend its taxi
rates. Commissioner Landis chairing.

Thursday, October 23, 2003:

B-1609 City Council Chambers, City Hall, 220 North Hastings Avenue,
9:00 Hastings. Judy Mohler, dba Cruising with Care, Hastings,
seeking authority as a common carrier of passengers in open
class service between points within a 100-mile radius of
Hastings by van and PT Cruiser over irregular routes. To
include the transportation of Health and Human Services
clients and their subcontractors thereof. RESTRICTION: The
transportation of railroad train crews and their baggage is
not authorized. Commissioner Rod Johnson chairing.

C-3026 Commission Hearing Room, Lincoln. Planning Conference.
2:00 The Commission, on its own motion, seeking to conduct a
9-month proceeding as contemplated by the Federal Communi-
cations Commission in its Triennial Review order adopting
new rules for network unbundling obligations. Teleconfer-
ence bridge number is 402-472-6292.

GENERAL ADMINISTRATION (Cont.)

Friday, October 24, 2003:

10:00 Commission Hearing Room, Lincoln.
and Legislative Workshops on how NUSF payments are calculated,
2:00 the purpose for which the payments are made, and what pro-
cedures the Commission employs to ensure that funds are
used for their intended purpose.

COMMUNICATIONS DEPARTMENT

AD-297r In the Matter of Williams & Fudge, Inc., Rock Hill, South
Carolina, seeking authority to connect an automatic
dialing-announcing device: Application was granted. Motion made by
Commissioner Lowell Johnson, seconded by Commissioner Frank Landis.
Motion passed with Commissioners Lowell Johnson, Frank Landis, Jerry
Vap voting AYE, Commissioner Anne Boyle, Rod Johnson Absent Not
Voting.

C-2872 In the 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:
Interconnection Agreement filed by Great Plains approved. Motion made
by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson.
Motion passed with Commissioners Lowell Johnson, Frank Landis, Jerry
Vap voting AYE, Commissioner Anne Boyle, Rod Johnson Absent Not
Voting.

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 Qwest filed
restated financials. A planning conference was scheduled for
October 28, 2003, at 2:30 p.m. in the Commission Hearing Room,
Lincoln.

C-3008 In the Matter of IDT America, Corp., Newark, New Jersey,
seeking authority to provide facilities-based and resold
local exchange telecommunication services within the State of
Nebraska: Application was granted. Motion made by Commissioner
Lowell Johnson, seconded by Commissioner Frank Landis. Motion passed
with Commissioners Lowell Johnson, Frank Landis, Jerry Vap voting AYE,
Commissioner Anne Boyle, Rod Johnson Absent Not Voting.

C-3016 In the Matter of Granite Telecommunications, LLC, Quincy,
Massachusetts, seeking authority to operate and offer
interLATA and intraLATA interexchange and local exchange telecommuni-
cations services: Application was granted. Motion made by Commis-
sioner Lowell Johnson, seconded by Commissioner Frank Landis. Motion
passed with Commissioners Lowell Johnson, Frank Landis, Jerry Vap
voting AYE, Commissioner Anne Boyle, Rod Johnson Absent Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed the Minnesota federal judge ruling that Vonage provides information service. The staff provided the Commission with a Voice Over IP white paper.

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

C-2098 In the Matter of TransNet Connect, Inc., Tampa, Florida, seeking authority to operate as a resale common carrier of telecommunications services within the State of Nebraska: Gene Hand informed the Commissioners that a Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors and Deadline in the U.S. Bankruptcy Court, Middle District of Florida, was received on October 14, 2003.

C-2190/ In the Matter of CSI Corp., Englewood, Colorado, seeking
C-2997 authority to change its name to Univance Telecommunications, Inc.; Univance Telecommunications, Inc., Englewood, Colorado, seeking to transfer assets, including its entire customer base, to Motion Telecom, Inc., Englewood, Colorado: Gene Hand informed the Commissioners that a notification of Chapter 7 dissolution in U.S. Bankruptcy Court for the District of Colorado was received on October 14, 2003.

C-2192/ In the Matter of Comm South Companies, Inc., Dallas, Texas,
C-2409 seeking authority to operate as a resale common carrier of local exchange telecommunications services within the State of Nebraska; Comm South Companies, Inc., Dallas, Texas, seeking authority to provide interLATA interexchange telecommunications services: Gene Hand informed the Commissioners that a notification of Chapter 11 Bankruptcy, Meeting of Creditors and Deadlines in U.S. Bankruptcy Court for the Northern District of Texas was received on October 8, 2003.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Remittances. The Commission approved the proposed late fee of \$50.00 to be levied against Arlington Telephone, Blair Telephone, Eastern Nebraska Telephone, Rock County Telephone and Z-Tel Communications without objections.

A workshop on Paging Services was scheduled for December 9, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Jeff Pursley discussed the material that will be presented at the Legislative Workshops scheduled for October 24, 2003.

E911 DEPARTMENT

Kara Thielen provided a recommendation for filling the vacancies on the E-911 Advisory Board. Upon agreement of all Commissioners present, Lt. Mark McCue, Alliance Police Department; Roger Goos, Nemaha County; and Issac Brown, City of McCook were appointed and Bill McClarty, Mayor, South Sioux City; and Virginia Vance, Qwest were re-appointed to the 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:
Miles Halcomb discussed responses/acknowledgements to correspondence received from the Nebraska Restaurant Association and a private citizen requesting fairness in rate setting.

NG-0008 In the Matter of Metropolitan Utilities District, Omaha, seeking authority for a Competitive Natural Gas Provider Certificate in the state of Nebraska: Miles Halcomb discussed the briefs received October 16, 2003.

NG-0011/ In the Matter of the Commission, on its own motion, seeking
PI-74 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: Miles Halcomb discussed the motion to stay filed by NorthWestern Energy.

Miles Halcomb discussed NorthWestern's heat content Gas Cost Adjustment (GCA) filing.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#151 Regulations, Sections 002, Local Exchange Service, and 003, Interexchange Service, and to recodify these sections to correct technical errors such as grammar, punctuation, spelling, sequential numbering, etc.: Upon agreement of all Commissioners present, a second amended order issuing a Certificate of Adoption was entered.

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 increased to 20 cents per mile and the taxi surcharge to 30 cents per trip.

GRAIN WAREHOUSE DEPARTMENT

GW-2101 In the Matter of Fox Grain of Gibbon, Inc., Gibbon, seeking special rates and charges: A hearing was scheduled for November 13, 2003, at 11:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as hearing officer.

Grain Dealer Division

The following applicants were granted a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2003:

	<u>SECURITY</u>
GD-199 Meyer & Meyer Grain, Randolph	\$ 35,000
GD-1136 Central Valley Ag Cooperative, Non Stock,	300,000

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Communications	\$ 622.00
The Daily Record	320.10
Executive Travel	448.50
Kelly Services, Inc.	538.13

Upon agreement of all Commissioners present, authorization was granted for Fred Massing to travel to Clay Center, Kansas, on October 23, 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 Miles Halcomb, Gene Hand and Jeff Pursley to attend the National Association of Regulatory Utility Commissioners Annual Conference to be held in Atlanta, Georgia, from November 15-19, 2003.

Upon agreement of all Commissioners present, authorization was granted for Jim Hames to travel to Kansas City, Missouri, on various occasions between November 1, 2003 and May 1, 2004 for Federal Railroad Administration (FRA) training.

Upon agreement of all Commissioners present, authorization was granted to change the time of the Commission meeting on December 16, 2003, from 10:00 to 9:00 a.m.

The Commission discussed budget matters.

GENERAL ADMINISTRATION (Cont.)

Commissioner Lowell Johnson moved that the Commission go into closed session to discuss personnel issues and Commissioner Landis seconded the motion. Upon agreement of all Commissioners present, the Commission went into closed session at 10:55 a.m.

Commissioner Lowell Johnson moved that the Commission return to open session and Commissioner Landis seconded the motion. Upon agreement of all Commissioners present, the Commission returned to open session at 11:03 a.m.

Upon agreement of all Commissioners present, the Secretary II position in the gas department will be offered to Rose Price.

Upon agreement of all Commissioners present, authorization was granted to hire two law clerks.

The meeting adjourned at 11:07 a.m. with Commissioners Lowell Johnson, Landis and Vap present and Commissioners Boyle and Rod Johnson excused. The next regularly scheduled meeting will be held on October 28, 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 October 27, 2003.

Vice Chair

Executive Director