

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

#### GENERAL ADMINISTRATION

Notice was duly published October 21, 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 28, 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 28, 2003:

Rule and Commission Hearing Room, Lincoln.  
Regulation In the Matter of the Commission, on its own motion, seeking  
#157 to amend Title 291, Chapter 9, Pipeline Common Carriers  
11:00 Rules and Regulations, to adopt rules in accordance with  
Nebraska Legislative Bill 790 [2003]. Commissioner Landis  
chairing.

C-2995 Commission Hearing Room, Lincoln. Planning Conference  
2:30 Qwest Communications Corporation, Denver, Colorado, seeking  
authority to operate as a competitive local exchange  
carrier of telecommunications services within the State of  
Nebraska.

#### COMMUNICATIONS DEPARTMENT

Gene Hand discussed the plan to implement the Nebraska statewide voter registration system.

AD-298r In the Matter of Northland Group Inc., Edina, Minnesota,  
seeking authority to connect an automatic dialing-  
announcing device: Upon agreement of all Commissioners, the appli-  
cation was granted.

C-2890 In the Matter of Easton Telecom Services, L.L.C., Rich-  
field, Ohio, seeking a Certificate of Public Convenience  
and Necessity to provide local exchange and interexchange telecom-  
munications services within the State of Nebraska: Upon agreement of  
all Commissioners, the application was granted.

C-2934 In the Matter of Weston Telecommunications, L.L.C., Rich-  
field, Ohio, seeking authority to change its name to Easton  
Telecom Service, L.L.C.: Upon agreement of all Commissioners, the  
application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3012 In the Matter of the Commission, on its own motion, seeking to conduct a critical cost analysis for Aliant Communications Co., d/b/a ALLTEL, as a result of the Nebraska Technology & Telecommunications, Inc., and ALLTEL arbitration conducted in C-2648: Gene Hand informed the Commission that a Petition for Formal Intervention had been received from Qwest, and further, that a Motion for Protective Order had been received from Alltel. Upon agreement of all Commissioners, a Protective Order was entered.

C-3019 In the Matter of BullsEye Telecom, Inc., Oak Park, Michigan, seeking authority to provide facilities-based and resold local exchange service and resold interexchange service within the State of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-3020 In the Matter of Globcom, Incorporated, Northbrook, Illinois, seeking authority for a certificate of authority to provide resold and facilities-based UNE-P local exchange and interexchange telecommunications services within the State of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-3021 In the Matter of Direct Telephone Company, Inc., Houston, Texas, seeking authority to operate as an interexchange carrier of telecommunications services within the State of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-3026 In the Matter of the Commission, on its own motion, seeking to conduct a 9-month proceeding as contemplated by the Federal Communications Commission in its Triennial Review order adopting new rules for network unbundling obligations: Upon agreement of all Commissioners, an order was entered adopting a procedural schedule, setting the date for intervention and requesting comments.

C-3045 In the Matter of the Petition of Clarks Telecommunications Co., Consolidated Telco, Inc. Consolidated Telecom, Inc., Consolidated Telephone Company, Hartington Telecommunications Co., Inc., Hershey Cooperative Telephone Co., K & M Telephone Co., Nebraska Central Telephone Co., Northeast Nebraska Telephone Co., NebCom, Inc., Stanton Telecom, Inc., and Three River Telco (Collectively the "RLEC Group Companies") seeking arbitration to resolve issues relating to interconnection agreements with WWC License L.L.C.: Gene Hand informed the Commissioners that a Petition for Arbitration was received on October 24, 2003. Notice was sent to interested parties advising that an arbitrator should be selected by November 12, 2003.

COMMUNICATIONS DEPARTMENT (Cont.)

Engineering Division

E-2020 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in York County: Upon agreement of all Commissioners, the application was granted.

E-2022 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Hitchcock and Red Willow County: Upon agreement of all Commissioners, the application was granted.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on the balance of the Nebraska Universal Service Fund.

Jeff Pursley reported on Late-Filed Remittances. It was recommended to the Commission that the proposed penalty of \$50.00 be levied against PNG Communications, IDT America and One Call Communications and that penalties against CTC Communications be waived one time. Mr. Pursley also recommended that a complaint be opened against Reduced Rate Long Distance for habitually being late in remitting. The Commission approved all recommended actions without objection.

Jeff Pursley reported that Qwest has requested an extension of the audit report due in NUSF-33 from December 31, 2003 to March 1, 2004. The Commission approved Qwest's request.

E911 DEPARTMENT

911-006 In the Matter of the Commission, on its own motion, seeking to administer numbering for implementation of psuedo-automatic number identification for T-Mobile, Bellevue, Washington: Upon agreement of all Commissioners, an order was entered opening the docket.

911-007 In the Matter of the Commission, on its own motion, seeking to provide for and fund intertandem trunking across the State of Nebraska for use in provision of wireless enhanced 911 service: Upon agreement of all Commissioners, an order was entered opening the docket.

PSAP-011.1 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, the application was granted.

E911 DEPARTMENT (Cont.)

PSAP-015.1 In the Matter of Colfax County PSAP, Schuyler, seeking supplementary funding approval for costs associated with Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

WSP-012 In the Matter of Swiftel, Brookings, South Dakota, seeking approval of a request for funding from the Enhanced Wireless 911 Fund: Upon agreement of all Commissioners, the application was granted.

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:  
A motion was made by Commissioner Frank Landis and seconded by Commissioner Lowell Johnson. The motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. An assessment order was entered in NG-0001, NG-0002, NG-0003/GDS-002.

Miles Halcomb informed the Commissioners that he met with Alan Dietrich, Bud Becker and Larry Headley with NorthWestern, Kinder-Morgan and Aquila, respectively, to develop proposed language for the State Regulatory Assessment explanation billing insert.

Miles Halcomb discussed the letter of endorsement received October 17, 2003, from the League of Nebraska Municipalities regarding applications filed by the Public Alliance for Competitive Energy (NG-0012) and Metropolitan Utilities District (NG-0008) to be granted certification as competitive natural gas providers.

Miles Halcomb informed the Commission that notification was received stating that EOTT Energy Pipeline Limited Partnership becomes Link Energy Pipeline Partnership effective October 1, 2003.

Miles Halcomb informed the Commission that he and Andy Pollock met with Norman Krivosha and representatives of NorthWestern's insurance company on October 22, 2003, to discuss the NorthWestern bankruptcy.

RULES AND REGULATIONS

Rule and Regulation to amend Title 291, Chapter 9, Pipeline Common Carriers #157 In the Matter of the Commission, on its own motion, seeking Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]: A hearing was set for October 28, 2003, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

LEGISLATIVE REPORT

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

GRAIN WAREHOUSE DEPARTMENT

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-681	Farmers Union Cooperative Company of Guide Rock, Nebraska	\$189,000
GD-2162	Kent C. Manning dba Manning Grain Co., Fairmont	\$ 35,000

HOUSING DEPARTMENT

Mark Luttich reported on problems encountered in being able to continue the department's modular housing unit inspection agreement with the State of New Mexico because New Mexico has changed their regulations. Mark is working with Commissioner Vap to gain a workable solution in a timely manner.

Mark Luttich reported on the NCSBCS meeting held in Portland, Oregon of the Factory Built Structures Committee. Mark will be chairing additional meetings designed to resolve issues pertaining to the following: encouraging HUD to implement a national, rather than a state-by-state, installer training and licensing program; increasing manufactured home manufacturer's site construction allowances; and encouraging HUD to begin making its minimum SAA payments to the states.

TRANSPORTATION DEPARTMENT

B-1639 In the Matter of LS Enterprise, dba Ollie The Trollie, Omaha, seeking to acquire, through transfer, the authority granted to Western Sightseeing Tours, Inc. in Certificate B-1328: Upon agreement of all Commissioners, the application for temporary authority was granted.

B-1611 In the Matter of Angel Vazquez, dba El Aguila Transportation, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce by van in open class service over regular and irregular routes between points in Lexington over regular routes and between points within a 40-mile radius of Lexington over irregular routes: John Schmidt informed the Commission that the applicant will be requesting an extension of time. Commissioner Vap will approve as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

BR-291 In the Matter of Windstar Lines, Inc., Carroll, Iowa, seeking to establish charter bus rates for its use: Upon agreement of all Commissioners, the application was granted on an emergency basis.

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

GENERAL ADMINISTRATION

Commissioner Landis left and returned to the Commission Hearing Room during discussion of filing fees. Commissioner Vap moved to approve filing fees for the transportation and grain warehouse departments and Commissioner Lowell Johnson seconded the motion. Commissioners Boyle, Lowell Johnson, Rod Johnson and Vap voted aye and Commissioner Landis was present, not voting. The motion passed and filing fees for the transportation and grain warehouse departments were approved.

The Commission recessed at 11:02 a.m. and reconvened at 11:06 a.m. with all Commissioners present.

Commissioner Vap moved that the Commission go into closed session to discuss personnel and litigation issues and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:07 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 11:18 p.m.

The Commission approved the following invoices:

DAS - Communications	\$ 2,974.60
DAS - Materiel	1,898.51
Larry Fauss	800.00
GDS Associates	1,216.70
Town House Motel	960.00
Mark Luttich	538.61
Anne Boyle	606.70
Frank Landis	560.64

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	\$ 168.90
Associated Hearing Health Care	117.00
Audiology Services & HAC, P.C.	599.70
Harris Communications	434.35
Hearing Aid Specialists, Inc	539.00
Grand Island Hearing Aid Center	447.00
Johnson Hearing Aid Service, Inc.	1,766.31
Carl A. Johnson	2,012.23
K-D Communications	1,546.90
McCook Pharmacy and Medical Supply	903.80
Professional Hearing Aid Services	2,016.85
R & J Enterprises	870.23
Teltex	667.70
Sherard's Hearing Aid Center	117.50

Upon agreement of all Commissioners, probationary salary adjustments were made for two employees effective November 1, 2003.

Upon agreement of all Commissioners, authorization was granted to hire a temporary employee to replace Nancye Vanourny who will be on medical leave effective November 14, 2004.

Upon agreement of all Commissioners, authorization was granted to hire a Secretary II in the Communications Department to replace Rose Price who will transfer to the gas department.

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The meeting adjourned at 11:20 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on November 4, 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 November 3, 2003.

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Chair

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Executive Director