

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

GENERAL ADMINISTRATION

Notice was duly published October 28, 2003, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 4, 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, November 4, 2003:

1:30 Commission Hearing Room, Lincoln.
Gas Cost Adjustment Briefing

Wednesday, November 5, 2003:

911-004/ Commission Hearing Room, Lincoln.
PI-73 The Commission, on its own motion, seeking to investigate
10:00 enhanced 911 surcharges collected by wireless carriers.
Commissioner Boyle chairing.

COMMUNICATIONS DEPARTMENT

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

C-2969/ In the Matter of the Commission, on its own motion, seek-
DC-63 ing an order to cease and desist operations and to revoke
the Certificates of Public Convenience and Necessity issued
to the named defendants: Order dismissing complaint in part and
sustaining complaint in part was entered. Motion made by Commissioner
Lowell Johnson, seconded by Commissioner Rod Johnson. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis and Jerry Vap voting AYE.

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 advised the Commission that a Notice of With-
drawal of the Application and Request for Authority had been received
on November 3, 2003, from Qwest Communications Corporation.

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 Application C-2648: Gene Hand advised the Commissioners that a Motion to Deny and to Strike Petition for Formal Intervention had been filed by Alltel on October 29, 2003. On November 3, 2003, Qwest Corporation's Reply in Support of Its Petition for Formal Intervention and in Opposition to Alltel's Motion to Deny Petition for Formal Intervention and Request for Oral Argument was filed. An Oral Argument was scheduled for November 13, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

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 inter-connection agreements with WWC License L.L.C.: Gene Hand advised the Commissioners that a Designation of Arbitrator Candidates had been received from the RLEC Group on October 31, 2003.

C-3022 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of an amendment to the wireline interconnection agreement with Pinpoint Communications, Inc., Cambridge, previously approved in Application C-2605: Amendment was approved. Motion made by Commissioner Jerry Vap, seconded by Commissioner Lowell Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3023 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of a Type 2 wireless interconnection agreement for the state of Nebraska, with RSA No. 1 Limited Partnership, d/b/a Cellular 29 Plus, Emerson, Iowa: Agreement was approved. Motion made by Commissioner Jerry Vap, seconded by Commissioner Lowell Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3024 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of an amendment to the wireline interconnection agreement with Allo Communications, LLC, Imperial, previously approved in Application C-2936: Amendment was approved. Motion made by Commissioner Jerry Vap, seconded by Commissioner Lowell Johnson. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

W-009 In the Matter of Bow Valley Waterworks, Bow Valley, seeking authority to increase water rates effective October 1, 2003: Application was granted. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Gene Hand provided an update on deployment of broadband services by Frontier.

Gene Hand advised the Commissioners that Chairman Powell recently indicated the Federal Communications Commission will release a notice of proposed rulemaking regarding voice-over internet protocol (VoIP.)

Gene Hand advised the Commission that Alltel's Monthly Service Quality Report for September 2003 was filed on October 30, 2003. Don Gray provided a staff review of the data filed including a graphical representation of the information.

Gene Hand advised the Commission that Allo Communications was advertising that they were now offering local telephone service in Ogallala.

Gene Hand advised the Commission that the Minnesota PSC has asked the court for reconsideration of its ruling that VoIP telecommunications service providers are not subject to regulation in Minnesota.

UNIVERSAL SERVICE FUND

Jeff Pursley discussed the Late-Filed Carrier Remittances. The Commission approved the \$50.00 late fee be levied against Opex/Premiere Communications and Worldxchange Corporation and a complaint be opened against American Farm Bureau.

Jeff Pursley updated the Commission on the open complaint against Continental Paging, stating that a letter had been received stating that the late receipt of the ACH Credit EFT was due to bank error. The Commission approved the recommendation of Mr. Pursley that the complaint be dismissed if Continental Paging moved from ACH Credit to ACH Debit form of payment.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley discussed the success of the promotion of the Nebraska Telephone Assistance Program (NTAP). Mr. Pursley also reported that what was originally thought to be a federal housing complex in Fremont, qualifying approximately 20 program recipients, was in fact not federally supported, disqualifying these people for NTAP. The Commission instructed Mr. Pursley to forward a letter to these participants, explaining the confusion and request that they reapply to NTAP for a different program.

Jeff Pursley reported on persistent problems with Tax Partners, LLC., a third party reporting service for approximately 20 Nebraska telecommunications carriers. The Commission agreed that if these problems continue, a letter to the carriers stating that worksheets filed by Tax Partners, on their behalf, would no longer be accepted.

NATURAL GAS AND WATER DEPARTMENT

NG-0008 In the Matter of Metropolitan Utilities District, Omaha, seeking authority for Competitive Natural Gas Provider authority in the state of Nebraska: A motion was made by Commissioner Frank Landis to dismiss the application 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 order was entered to dismiss the application.

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: Miles Halcomb discussed several issues of concern, including: consultant requirements/expense; opening dialogues with three other state Commissions on the bankruptcy; November 17, 2003 meeting at the National Association of Regulatory Utility Commissioners Conference; researching whether bankruptcy will cause unreasonable adverse impact on ratepayers; exploring Norman Krivosha's suggested consultant; forwarding a request to the Attorney General; and discussing with the Attorney General the feasibility of monitoring bankruptcy ourselves and if so, sharing resources with other state commissions (such as South Dakota and Montana).

P-0006 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Nebraska Revised Statute section 57-1306: Miles Halcomb informed the Commission that proposed orders have been received and a final order will be prepared for the next regularly scheduled meeting.

RULES AND REGULATIONS

Rule and Regulation #157 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 9, Pipeline Common Carriers Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 790 [2003]: Upon agreement of all Commissioners, an order was entered issuing a Certificate of Adoption.

GRAIN WAREHOUSE DEPARTMENT

The following shortage was discussed:

GW-1679 Corn at Herbert Feed & Grain Co., Verdigre.
GW-1013 In the Matter of Bruning Grain & Feed Co., Inc., Bruning, seeking to cancel lost collateral receipts B679009 and B679010: Upon agreement of all Commissioners, the application was granted.

Grain Dealer Division

Upon agreement of all Commissioners, 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-1954	Nebraska Salt & Grain Co., Gothenburg	\$ 35,000
GD-2122	Carroll Feed & Grain Co., Carroll	40,000
GD-2873	AGP Grain Marketing, Inc., Omaha	300,000

GD-2830 In the Matter of Travelers Casualty and Surety Company of America, seeking cancellation of its Continuous Grain Dealer Bond No. 37 S 103489700 BCM in the amount of \$150,000.00, issued on behalf of Minnesota Corn Processors, LLC, Columbus: Application was granted effective November 1, 2003.

TRANSPORTATION DEPARTMENT

B-1441 In the Matter of R & F Hobbies, Inc., dba Prince of the Supp. 3 Road, Ravenna, seeking to acquire, through transfer, the authority granted to Rolland C. Gressley, dba Aquila Limo, in Certificate B-1432: Upon agreement of all Commissioners, an order was entered ruling on dormancy of the certificate.

TRANSPORTATION DEPARTMENT (Cont.)

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: Upon agreement of all Commissioners, the application for an extension of time was granted.

B-1613 In the Matter of Rick Holloway, dba Taxi Specialties of Lexington, Lexington, seeking to approve the use of vans in their taxicab operation: Upon agreement of all Commissioners, approval was granted, the rule waived and authority modified.

B-1617 In the Matter of Spencer M. Fentress, dba Fairbury Taxi, Fairbury, seeking to acquire, through transfer, the authority granted to Murvel LeRoy Fentress and Spencer M. Fentress, a partnership, dba Fairbury Taxi, Fairbury, in Certificate B-1499, and to extend its operation between points in Jefferson County and between points in Jefferson County and points in Nebraska over irregular routes. All trips to originate or terminate in Jefferson County: Upon agreement of all Commissioners, the application was granted in part, denied in part and Certificate B-1499 revoked.

MCC-3151 In the Matter of Andy Pollock, Director, Motor Transportation Department vs. Mike's Moving: A hearing was set for December 17, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Rate Division

BR-292 In the Matter of Alford Oil Company, Inc., dba VIP Limousine, Omaha, seeking authority to establish charter bus rates for its use: Upon agreement of all Commissioners, the application was granted.

MR-1013 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 6 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners, the application was granted.

MR-1014 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 7 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners, the application was granted.

TRANSPORTATION DEPARTMENT (Cont.)

MR-1015 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 8 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners, the application was granted.

MR-1017 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 10 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners, the application was granted.

TR-131 In the Matter of Vicente Baro, dba Baro's Taxi Service, Columbus, seeking authority to establish taxi 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 was reduced to 25 cents per trip.

Railroad Division

Andy Pollock reported on a letter from the AFL-CIO concerning the motive power and equipment inspector position.

GENERAL ADMINISTRATION

Upon agreement of all Commissioners, authorization was granted to purchase furniture for the Natural Gas Department.

Upon agreement of all Commissioners, authorization was granted for Andy Pollock to attend a Mediation/Arbitration Seminar in Lincoln from November 12-15, 2003.

Upon agreement of all Commissioners, authorization was granted to purchase of two-year supply of modular seals for \$1,700.00.

The Commission approved the following invoices:

DAS - Transportation Services Bureau	\$ 958.06
Department of Corrections	1,665.00
Courtesy Ford	258.85
Hewlett-Packard Co.	1,028.00

GENERAL ADMINISTRATION (Cont.)

Kelly Services	\$	520.63
Kelly Services		634.38
Anne Boyle		561.60
Anne Boyle		43.20
Rod Johnson		356.14
Gerald Vap		676.80

Commissioner Rod Johnson moved that the Commission go into closed session to discuss personnel and litigation matters and Commissioner Lowell Johnson seconded the motion. Upon agreement of all Commissioners, the Commission went into closed session at 11:16 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 11:30 a.m.

Commissioner Landis left the Commission Hearing Room.

Upon agreement of all Commissioners present, authorization was granted to hire Lorrie Shreve as a Secretary II in the Communications Department.

The meeting adjourned at 11:33 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Vap present and Commissioner Landis absent. The next regularly scheduled meeting will be held on November 13, 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 12, 2003.

Chair

Executive Director