

Chairman Vap 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 February 17, 2004, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held February 24, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

C-2932 In the Matter of NPCR, Inc., d/b/a Nextel Partners, Eden Prairie, Minnesota, seeking designation as an eligible telecommunications carrier that may receive universal service support: Gene Hand informed the Commission that a Motion for Rehearing had been received from Nextel Partners on February 23, 2004, and the matter will be on the March 2, 2004, agenda for consideration.

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 Docket C-2648: Motion made by Commissioner Frank Landis and seconded by Commissioner Anne Boyle to enter an order seeking comments. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered seeking comments.

C-3096 In the Matter of Great Plains Communications, Inc.; Clarks
C-3110- Telecommunications Co.; Consolidated Telephone Company;
C-3123 Consolidated Telco, Inc., and Consolidated Telecom, Inc.;
& C-3128 Hamilton Telephone Company; Hartington Telecommunications
Co.; Hershey Cooperative Telephone Co.; K & M Telephone
Company; Nebraska Central Telephone Company; Northeast Nebraska Telephone Company; Sodtown Telephone Company; Stanton Telecom, Inc.; Three River Telco; Eastern Nebraska Telephone Company; Rock County Telephone Company and Hemingford Cooperative Telephone Company, seeking suspension or modification of the Federal Communications Commission requirement to implement Wireline-Wireless Number Portability pursuant to 47 U.S.C. Section 251(f)(2): Gene Hand advised the Commission that Paul Schudel filed Motions for Order Granting Interim Relief pursuant to 47 U.S.C. Section 251(f)(2) on behalf of the companies. A Petition for Formal Intervention was received from WWC License, LLC, in Docket C-3096: An oral argument on the Motion for Order Granting Interim Relief Pursuant to 47 U.S.C. § 251(f)(2) and Request for Hearing in Docket C-3096 was scheduled for March 2, 2004, at 3:00 p.m. in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3089 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Local Interconnection Agreement with Sprint Communications, L.P., Overland Park, Kansas: Motion made by Commissioner Anne Boyle and seconded by Commissioner Lowell Johnson to grant the application. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered granting the application.

C-3090 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunication Services, with XO Network Services, Inc., Salt Lake City, Utah: Motion made by Commissioner Anne Boyle and seconded by Commissioner Lowell Johnson to grant the application. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered granting the application.

C-3091 In the Matter of Sprint Communications, L.P., Overland Park, Kansas, seeking approval of its interconnection agreement with Alltel Nebraska, Inc., Little Rock, Arkansas: Motion made by Commissioner Anne Boyle and seconded by Commissioner Lowell Johnson to grant the application. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered granting the application.

C-3092 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, seeking approval of its Paging Interconnection Agreement with Tracy Corporation II, Gering: Motion made by Commissioner Anne Boyle and seconded by Commissioner Lowell Johnson to grant the application. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered granting the application.

C-3093 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, seeking approval of its Master Interconnection and Resale Agreement with Tracy Corporation II, Gering: Motion made by Commissioner Anne Boyle and seconded by Commissioner Lowell Johnson to grant the application. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered granting the application.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3094 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its UNE-P Line Splitting Amendment to the Interconnection Agreement, with Z-Tel Communications, Inc., Tampa, Florida, previously granted in Docket C-2561: Motion made by Commissioner Anne Boyle and seconded by Commissioner Lowell Johnson to grant the application. Commissioners Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered granting the application.

Gene Hand distributed copies of the testimony Commissioner Stan Wise, President of NARUC, gave on February 24, 2004, before the Senate Committee on Commerce, Science and Transportation regarding voice-over Internet Protocol (VoIP).

UNIVERSAL SERVICE FUND

Jeff Pursley reported on the late-filed carrier remittances. The Commission approved the recommendation that a complaint be filed against Globalcom, Incorporated.

E911 DEPARTMENT

PSAP-007.2 In the Matter of Cedar County, Hartington, seeking additional funding for costs of wireless enhanced 911 services: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order scheduling a hearing for March 30, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and a hearing was scheduled. Commissioner Rod Johnson will preside as Hearing Officer.

Kara Thielen discussed new reporting information for Wireless E911 carriers.

NATURAL GAS AND WATER DEPARTMENT

NG-0019 In the Matter of the Petition for Declaratory Ruling of Metropolitan Utilities District, Omaha (M.U.D.), seeking a determination that Neb. Rev. Stat. §§ 57-1302 through 57-1307 and Neb. Rev. Stat. § 66-1849 and Neb. Admin. Code, Title 291, Chapter 9, Sections 003.01 through 003.11 and Section 009.01 do not apply to a natural gas supply and transportation arrangement between M.U.D. and Nebraska Public Power District (N.P.P.D.): Laura Demman informed the Commission that this Petition for Declaratory Ruling was filed on February 20, 2004. Commissioner Landis will preside as Hearing Officer.

RULES AND REGULATIONS

Rule and Regulation #151 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and 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.: Chris Post informed the Commission that Rule and Regulation #151 had been signed by the Governor and Secretary of State and became effective on February 22, 2004.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

GW-14 Corn at Laurel Feed & Grain Co., Laurel.
GW-823 Milo, Oats, and white corn at Sutton Cooperative Company, Sutton.

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 June 30, 2004:

		<u>SECURITY</u>
GD-378	Battle Creek Farmers Cooperative, Non-Stock Battle Creek	\$ 88,000
GD-537	Cooperative Supply, Inc., Dodge	256,000

The following applicant was granted a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2004:

		<u>SECURITY</u>
GD-2061	Colon Elevator Co., Colon	\$ 35,000

TRANSPORTATION DEPARTMENT

M-00514 In the Matter of T. G. Rutten Trucking, Inc., Palmer, seeking revocation and cancellation of the common carrier authority in Certificate Number M-00514: Motion made by Commissioner Lowell Johnson and seconded by Commissioner Rod Johnson to grant the revocation and revoke the authority it M-00514. Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Gerald Vap voted AYE. The motion passed and an order was entered granting the application.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

TR-132 In the Matter of Safeway Cabs, Inc., Omaha, seeking authority to amend the Omaha taxicab fares: The hearing previously scheduled for February 19, 2004, was continued to March 11, 2004, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

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.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS Materiel - Printing	\$ 650.65
HHS Finance & Support	1,579.86
Dell	1,877.50
Dell	784.30
Executive Travel	297.90
Executive Travel	297.90
Executive Travel	259.90
Larry Fauss	800.00
Kelly Services	532.00
Kelly Services	700.00
Tyler Frost	737.63
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM	
Aksarben TDD	1,222.95
Associated Hearing Health Care	376.50
Audiology Services & HAC, PC	243.85
Bosler Hearing Aid Center	724.65
Harris Communications	464.35
Hearing Clinic Inc	300.00
Maxi Aids Products	647.10
Johnson Hearing Aid Service	984.15
K-D Communications	2,875.55
Professional Hearing Aid Services	1,634.75
R & J Enterprises	1,244.15
Teltex	426.52

Upon agreement of all Commissioners, authorization was granted for James Hames to travel to Los Angeles, California, from February 8-13, 2004, to attend the MP&E Fundamentals Class with all expenses to be paid by the Federal Railroad Administration.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners, authorization was granted for Kent Pribyl to travel to Council Bluffs, Iowa, on February 23, 2004, to perform an inspection of Teton Industries with all expenses, including time, to be reimbursed to the Commission by Teton Industries.

Upon agreement of all Commissioners, authorization was granted for Fred Massing to travel to Clay Center, Kansas, on February 24, 2004, 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, authorization was granted for James Hames to travel to St. Louis, Missouri, from February 23-26, 2004, to attend a power brake seminar sponsored by the Federal Railroad Administration.

Upon agreement of all Commissioners, authorization was granted for Commissioners Boyle and Lowell Johnson and Communications Department staff members Gene Hand and Don Gray to attend the Qwest Regional Oversight Committee (ROC) Meeting to be held in Denver, Colorado, from April 18-19, 2004.

Commissioner Rod Johnson 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 11:40 a.m.

Commissioner Boyle 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 11:55 a.m.

The meeting adjourned at 11:55 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on March 2, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on March 1, 2004.

Chairman

Deputy Director