

Chairman Vap called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published April 23, 2004, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 30, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, March 31, 2004:

NG-0019      Commission Hearing Room, Lincoln.  
10:00      Petition for Declaratory Ruling of Metropolitan Utilities District (MUD), Omaha, 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 (NPPD). Commissioner Landis chairing.

COMMUNICATIONS DEPARTMENT

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: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson to enter an order setting an oral argument for April 14, 2004, at 2:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3049      In the Matter of the Commission, on its own motion, seeking to conduct an investigation into possible solutions for extending the life of area codes 308 and 402: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order seeking comments and setting a hearing for May 5, 2004, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3096, In the Matter of Great Plains Communications, Inc.;  
C-3110 to Clarks Telecommunications Co.; Consolidated Telephone  
C-3122 Company; Consolidated Telco, Inc., and Consolidated  
Telcom, Inc.; 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 Tele-  
com, Inc.; Three River Telco; Eastern Nebraska Telephone Company; Rock  
County 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):  
Motion made by Commissioner Lowell Johnson, seconded by Commissioner  
Anne Boyle to enter a Planning Conference Order and Notice of Hearing.  
A hearing was scheduled for June 2, 2004, at 1:30 p.m. and continuing  
through June 3, 2004, at 9:00 a.m. and, if necessary, June 4, 2004, at  
9:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with  
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis,  
Jerry Vap voting AYE.

C-3128 In the Matter of Hemingford Cooperative Telephone Company,  
Hemingford, seeking a 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):  
Motion made by Commissioner Frank Landis, seconded by Commissioner  
Lowell Johnson to enter an order granting interim relief. Motion  
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,  
Frank Landis, Jerry Vap voting AYE.

C-3099/  
PI-77 In the Matter of the Commission, on its own motion, seeking  
comment on the request by United Way of the Midlands to be  
assigned the use of "211" in the City of Lincoln and Lan-  
caster County for access to First Call for Help (FCFH), a compre-  
hensive information and referral service: Motion made by Commissioner  
Frank Landis, seconded by Commissioner Anne Boyle to enter an order  
granting the application. Motion passed with Commissioners Anne  
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting  
AYE.

C-3124 In the Matter of T-NETIX, Inc., Carrollton, Texas, and  
TZ Holdings, Inc., Miami, Florida, seeking authority to  
transfer control: Motion made by Commissioner Lowell Johnson,  
seconded by Commissioner Anne Boyle to enter an order granting the  
application. Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3130 In the Matter of I-Link Communications, Inc., Phoenix,  
Arizona, seeking to voluntarily withdraw it's authority to  
operate as a resale common carrier of telecommunications services in  
the State of Nebraska, previously granted in Applications C-1463 and  
C-1621:

COMMUNICATIONS DEPARTMENT (Cont.)

C-1621 Motion made by Commissioner Lowell Johnson, seconded by (Cont.) Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3126 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, seeking approval of its CMRS Interconnection Agreement with Tracy Corporation II, Gering: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3127 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, seeking approval of its Amendment No. One to their CMRS Interconnection Agreement with Sprint PCS, Overland Park, Kansas, previously granted in Application C-2849: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3129 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Modification to Exhibit B of Qwest's Statement of Generally Available Terms (SGAT), filed pursuant to Section 252(f) of the 1996 Telecommunications Act: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Gene Hand discussed the notification that Qwest has given to its CLECs seeking to negotiate options to seamlessly transition UNE-P service and mass market switching to other service options in compliance with the recent D.C. Circuit Court of Appeals decision.

Gene Hand informed the Commission that President Bush called for a national goal for affordable universal access to broadband technology by the year 2007 and also called on Congress to pass a permanent moratorium on taxes on Internet services.

Gene Hand informed the Commission that a notice was received from Lieutenant Governor Dave Heineman regarding a press conference on April 12, 2004, at 11:00 a.m. at the Peter Kiewit Institute to announce the development and uses of Network Nebraska, a statewide telecommunications infrastructure.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that the Federal Communications Commission's IP-enabled services (VoIP) NPRM was published in the Federal Register thereby establishing the comment date as May 28, 2004, and the reply comment date as June 28, 2004. The staff will be drafting comments for the Commission to consider.

Angela Melton informed the Commission that the U.S. Supreme Court had ruled that states can prohibit local governments from offering commercial telephone services to the public.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis to amend complaint NUSF-37.27 against IDT America to include February, 2004 and to file a complaint against LDMI Telecommunications. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Jeff Pursley reported that the April mailer from Health and Human Services for the Nebraska Telephone Assistance Program (NTAP) would be postponed one month due to the large response of applications and the backlog of processing those applications by PSC staff.

E911 DEPARTMENT

911-009/  
PI-78 In the Matter of the Commission, on its own motion, seeking to investigate the current status of Phase I enhanced wireless 911 service and alternatives for handling wireless 911 calls for areas currently without enhanced 911 service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson to enter an order to investigate and request comments. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

911-10 In the Matter of the Commission, on its own motion, seeking to establish the policy regarding required quarterly submissions from Wireless Carriers: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to enter an order establishing policy for quarterly submission from wireless carriers. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

911-011/  
PI-79 In the Matter of the Commission, on its own motion, seeking to establish a Phase II enhanced wireless 911 service implementation plan: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order regarding Phase II enhanced wireless 911 service implementation plan. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

E911 DEPARTMENT (Cont.)

Kara Thielen reported on two articles: America's 9-1-1 System in Need of Rescue and a GAO Report to the Subcommittee on Uneven Implementation of Wireless Enhanced 911 Raises Prospect of Piecemeal Availability for Years to Come.

NATURAL GAS AND WATER DEPARTMENT

NG-0020/ In the Matter of the Commission, on its own motion, seeking  
PI-80 to evaluate a proposed settlement agreement among the State  
of Nebraska, acting by and through the Governor's Policy  
Research Office; the Nebraska Public Service Commission; and Kinder  
Morgan, Inc., a Kansas corporation: The docket was held over and will  
be discussed at a future meeting.

GRAIN WAREHOUSE DEPARTMENT

GW-181 John Fecht discussed the shortage of wheat at Lisco  
Elevator Incorporated, Lisco.

Motion made by Commissioner Lowell Johnson, seconded by  
Commissioner Anne Boyle to enter an order granting the following  
applicants a Grain Dealer License, subject to the fulfillment of all  
statutory requirements, for the license period ending March 31, 2005.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson, Frank Landis, Jerry Vap voting AYE.

SECURITY

GW-2169 R. F. S., Inc. dba Nebraska Ag Products \$ 85,200  
Wisner

GD-1749 In the Matter of Fidelity & Deposit Company of Maryland  
seeking cancellation of its Continuous Grain Dealer Bond  
No. 9873721 in the amount of \$35,000.00, issued on behalf of Miller's  
Grain, Inc., Scott City, Kansas: Application was granted effective  
March 16, 2004.

GD-2675 In the Matter of Western Surety Company seeking cancella-  
tion of its Continuous Grain Dealer Bond No. 5562084 in the  
amount of \$150,000.00, issued on behalf of GBB Grain Co., Norfolk:  
Application was granted effective March 25, 2004.

GD-2711 In the Matter of Amsberry, Inc., Valentine, seeking can-  
cellation of its Grain Dealer License: Application  
was granted effective March 25, 2004.

GD-2838 In the Matter of Safeco Insurance Company of America seek-  
ing cancellation of its Continuous Grain Dealer Bond No.  
6163231 in the amount of \$249,000.00, issued on behalf of AGRI Grain  
Marketing, L.L.C., Minneapolis, Minnesota: Application was granted  
effective March 25, 2004.

TRANSPORTATION DEPARTMENT

B-1277 In the Matter of Brian L. Mills, dba Fantasy Limousine, Omaha: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle to dismiss the Order to Show Cause and suspend the authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

B-1483 In the Matter of Adell Eichman, York, seeking Commission approval to waive the age qualification for driving a motor vehicle: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis to enter a Nunc Pro Tunc order to correct a misspelled name. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

B-1471 In the Matter of Jerry L. Bogner, dba VIP Limo Service, Crofton, seeking revocation and cancellation of the common carrier authority in Certificate B-1471: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to grant the revocation and revoke the authority in B-1471. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

B-1593 In the Matter of Francoise Antoine, dba Bon Samaritan Transport, Lincoln, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Lancaster County over irregular routes, to include the transportation of clients of the Nebraska Department of Health and Human Services. RESTRICTION: The transportation of rail-road train crews and their baggage is not authorized. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle to enter a notice of pending dismissal. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

M-11532 In the Matter of Select Van & Storage Co., Omaha, seeking to acquire, through transfer, the authority granted to Benson Transfer & Storage Co., Omaha, in Certificate M-13404: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to grant temporary authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

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-F: The fuel surcharge was decreased to 18 cents per mile and the taxi surcharge retained at 35 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS Communications	\$	2,696.53
DAS - Materiel - Postage		369.58
DAS - Transportation Services Bureau		850.69
HHS - Finance & Support		1,577.97
HHS - Finance & Support		628.00
Larry Fauss		800.00
Hamilton Telecommunications		82,769.79
Kelly Services		532.00
Kelly Services		700.00
Kelly Services		700.00
Kelly Services		532.00
Kelly Services		700.00
Jeff Pursley		1,168.58
Steve Stovall		2,034.76
Rod Johnson		382.32
Rod Johnson		362.51
Gerald Vap		644.25
NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM		
A.G.N. Sales		159.20
Aksarben TDD Service		1,602.40
Associated Hearing Health Care		234.00
Bosler Hearing Id Center		234.16
Dynavox Systems, LLC		1,000.00
Grand Island Hearing Aid Center Inc.		1,251.00
Harris Communications		685.05
Carl A. Johnson		2,225.30
Johnson Hearing Aid Service		948.48
K-D Communications		1,893.70
McCook Pharmacy & Medical Supply		1,551.39
Professional Hearing Aid Services		2,418.65
R & J Enterprises		921.56
Sherard Hearing Aid Center		1,350.98
Teltex		1,007.83
The Hearing Clinic Inc.		215.00

Upon agreement of all Commissioners, the Commission meeting previously scheduled for April 13, 2004, was moved to April 14, 2004, beginning at 10:00 a.m.

The meeting adjourned at 11:15 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on April 6, 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 April 5, 2004.

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Chairman

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Executive Director