

Chairman Vap 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

Chairman Vap began the meeting by introducing the Commission's new part-time Motor Transportation Investigator, Jim Joneson.

Notice was duly published September 16, 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 September 21, 2004, 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, September 21, 2004:

911-02 Commission Hearing Room, Lincoln.
1:30 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund. Commissioner Rod Johnson chairing.

GW-2141 Commission Hearing Room, Lincoln.
GWC-390 In the Matter of Pender Grain, Inc., Pender.
11:00 Commissioner Lowell Johnson chairing.

Thursday, September 23, 2004:

12:30 Commission Library, Lincoln
 TRS Advisory Board Meeting

PI-83 Commission Hearing Room, Lincoln.
2:00 In the Matter of the Commission, on its own motion, seeking to investigate the feasibility and propriety of the regulation of wireless carriers. Commissioner Boyle chairing.

Saturday, September 25, 2004:

1:30- Omaha Association of the Deaf Hall, 4050 Hillside Avenue,
4:30 Omaha. Demonstration of D-Link videophones, captioned telephone (CapTel) and Video Relay Service (VRS).

COMMUNICATIONS DEPARTMENT

AD-310r In the Matter of Norris Public Power District, Beatrice, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

DC-68 In the Matter of Maurice Gene Hand, Director, Communica-
 tions Department, Complainant, versus OnStar Corporation
and TracFone Wireless, Inc., Respondents, for failure to register with
the Wireless Registry: Gene Hand informed the Commission that a com-
plaint was being filed against the above-listed carriers for failing
to comply with Neb. Rev. Stat. § 86-125 (2002 Supp.).

C-3186/
NUSF-39 In the Matter of OrbitCom, Inc., Sioux Falls, South Dakota,
 seeking designation as an eligible telecommunications
 carrier that may receive federal and state universal ser-
vice support: Motion made by Commissioner Rod Johnson, seconded by
Commissioner Lowell Johnson, to enter an order granting the applica-
tion. Motion passed with Commissioners Anne Boyle, Lowell Johnson,
Rod Johnson, Frank Landis, and Jerry Vap voting AYE. Commissioner Rod
Johnson will preside as Hearing Officer.

C-3204 In the Matter of Sprint Communications, L.P., Overland P
 ark, Kansas, seeking approval of an amendment to its
Certificate of Public Convenience and Necessity to provide local
exchange telecommunications service in all exchanges within the State
of Nebraska in which Sprint is not currently certificated: Gene Hand
informed the Commission that Hearing Officer Frank Landis issued an
Order ruling on objections to discovery on September 15, 2004. The
parties shall have until September 21, 2004, to respond to discovery
requests. The Hearing Officer also entered a Protection Order.
Commissioner Landis will preside as Hearing Officer.

C-3213 In the Matter of the Communications Department seeking an
DC-67 order to cease and desist operations and to revoke the
 Certificates of Public Convenience and Necessity issued to
the named defendants: Motion made by Commissioner Lowell Johnson,
seconded by Commissioner Anne Boyle, to enter an order dismissing the
complaint in part. Motion passed with Commissioners Anne Boyle,
Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.
Commissioner Vap will preside as Hearing Officer.

C-3221/
PI-81 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 Dawson, Phelps, Kearney,
Harlan, Franklin, Buffalo and Gosper Counties for access to First Call
for Help (FCFH), a comprehensive information and referral service:
Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank
Landis, to enter an order granting the application. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE. Commissioner Vap will preside as
Hearing Officer.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3254 In the Matter of Qwest Communications, Denver, Colorado, seeking approval of an amendment to the Single Point of Presence (SPOP) Amendment with Pinpoint Communications, Inc., Cambridge, previously approved in Application C-2605: 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, and Jerry Vap voting AYE.

C-3201 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: The hearing previously scheduled for October 6, 2004, was continued to a date later to be determined. Staff attorney Shana Knutson informed the Commission that the hearing most likely would be scheduled to October 20, 2004, at a time later to be determined. Commissioner Boyle will preside as Hearing Officer.

C-3256/ In the Matter of the Commission, on its own motion, seeking
PI-87 comment on the request by United Way of the Midlands to be assigned the use of "211" in Scotts Bluff County for access to First Call for Help (FCFH), a comprehensive information and referral service: A video hearing was scheduled for October 21, 2004, at 3:00 p.m. CDT in the Commission Library, Lincoln, and the Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff at 2:00 p.m. MDT. Commissioner Vap will preside as Hearing Officer.

E-2047 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Thayer County: 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, and Jerry Vap voting AYE.

E-2049 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Saline County: 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, and Jerry Vap voting AYE.

E-2050 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: 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, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2052 In the Matter of Loup River Public Power District, Columbus, seeking to construct, operate and maintain an electric transmission line in Platte County: 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, and Jerry Vap voting AYE.

Gene Hand reported on the Intercarrier Compensation Workshop II held in Missoula, Montana, on September 10 and 11, 2004. Planning for Workshop III and IV is underway. The expectation is that Workshop III will be in Washington, DC, in late October and Workshop IV will be held in conjunction with the November annual meeting of the National Association of Regulatory Utility Commissioners (NARUC) in Nashville, Tennessee.

Gene Hand reported on the Qwest Regional Oversight Committee (ROC) meeting held in Missoula, Montana, on September 12-13, 2004.

UNIVERSAL SERVICE FUND

NUSF-25 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the certification of Nebraska carriers for federal high cost support. The Commission also approved the late-filed affidavit of Allo Communication to be included in the above order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-39/ C-3186 In the Matter of Orbitcom, Inc., Sioux Falls, South Dakota, seeking designation as an eligible telecommunications carrier that may receive federal and state universal service support: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application of Orbitcom for NETC status to receive Nebraska Universal Service Fund payments. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Jeff Pursley reported on Late-Filed Remittances: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to accept the waiver requests received from VoiceCom Communications, filed as Complaint NUSF-37.41 and, 1-800-Reconex, filed as Complaint NUSF-37.37. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported on the Telehealth Conference held at Kearney on September 10, 2004.

NUSF-2 In the Matter of the Commission, on its own Motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program: Jeff Pursley reported on the summary of NUSF-2 comments received on September 7, 2004. A hearing was scheduled for November 3, 2004 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley discussed the Hearing Officer's Order entered on September 14, 2004 that moved the filing date for post-hearing briefs from September 23, 2004 to September 30, 2004.

E911 DEPARTMENT

Kara Thielen updated the Commission of the Public Safety Answering Point (PSAP) Vendor Meetings held September 14-16, 2004. There were a total of 34 PSAPs that attended the meetings. Approximately 25 have signed a Vendor Statement of Intent. PSAPs from the Norfolk Police Department and Boone County were absent.

Kara Thielen informed the Commission that a meeting was held with the Geographical Information System (GIS) vendors to discuss format requirements of the map data.

Kara Thielen discussed the question of the ability of some equipment to process a Phase II call. The Commission will work with these vendors in sending certified letters stating the ability of the equipment.

Commissioners Landis and Boyle complimented Kara Thielen and staff on the excellent vendor meetings.

NATURAL GAS DEPARTMENT

FC-1319 In the Matter of Kinder Morgan, Inc., Lakewood Colorado, vs. City of Hastings, Hastings, alleging installation of duplicative and redundant natural gas piping and services in the City of Hastings and its environs: A verified Motion for Stay was filed by the City of Hastings on September 13, 2004. Laura Demman reported that the parties are working to resolve the Motion without an oral argument and that they plan to update Commission staff of their progress.

NATURAL GAS DEPARTMENT (Cont.)

P-0008 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Section 57-1306 - Stonecrest/Meridian Park Subdivision: A hearing was scheduled for 9:00 a.m. on December 20, 2004 at the Sarpy County Courthouse, Sarpy County Boardroom, 1210 Golden Gate Drive, Papillion. Commissioner Boyle will preside as Hearing Officer.

P-0009 In the Matter of Aquila, Inc., Omaha, seeking resolution of a dispute under Neb. Rev. Stat. Section 57-1306 - Palisades Subdivision: A hearing was scheduled for 9:00 a.m. on December 20, 2004 at the Sarpy County Courthouse, Sarpy County Boardroom, 1210 Golden Gate Drive, Papillion. Commissioner Boyle will preside as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1557 In the Matter of Hope Transportation, Inc., Omaha, seeking
Supp. 1 to extend its authority as a common carrier of passengers in open class service by vans between points in Cass, Otoe, Lancaster counties and between points in said counties on the one hand, and on the other hand, points in Nebraska over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion was made by Commissioner Boyle to grant the application. Motion died for lack of a second. Motion was made by Commissioner Landis, seconded by Commissioner Lowell Johnson, to grant the application in part and deny in part. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE and Commissioner Anne Boyle present, not voting.

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 increased to 32 cents per mile and the taxi surcharge retained at 40 cents per trip.

Motion made by Commissioner Landis, and seconded by Commissioner Rod Johnson, to recess to conduct a brief public hearing. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission recessed at 10:58 a.m. Upon completion of the public hearing, the Commission returned to open session at 11:29 a.m.

Commissioner Rod Johnson left the Commission Hearing Room.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

- GW-1599 Corn at Alvo Grain and Feed, Inc., Alvo.
GW-2132 Millet at The Scoular Company, Sidney.
GW-2160 White corn at United Farmers Cooperative, Shelby.
GW-2165 Corn at The Scoular Company dba Grasslands Grain Elevator, Atkinson.
- GWC-391 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, vs. Laurel Feed & Grain Co., Laurel, Fordyce Farmers Non-Stock Cooperative, Fordyce, and Colon Elevator Co., Colon: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order dismissing the complaint, closing the docket, and cancelling the hearing scheduled for September 29, 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.
- GW-697 In the Matter of Farmland Mutual Insurance Company, seeking cancellation of its Continuous Public Grain Warehouse Bond No. 1271 in the amount of \$100,000.00, issued on behalf of Ochsner Grain Co., Inc., Madison: Application was granted effective September 15, 2004.
- GW-2122 In the Matter of Tri-State Insurance Company of Minnesota, seeking cancellation of its Continuous Public Grain Warehouse Bond No. 702 44 38 in the amount of \$184,300.00, issued on behalf of Carroll Feed & Grain Co., Carroll: Application was granted effective September 20, 2004.
- GW-2141 In the Matter of Pender Grain, Inc., Pender, seeking cancellation of its Grain Warehouse License: Cancellation of license will be determined at the time an order or complaint is entered upon the staff's recommendation. Commissioner Rod Johnson returned to the Commission Hearing Room during the discussion.

Grain Dealer Division

John Fecht reported that there are three Grain Dealers that have not been renewed due to background checks.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant the following Grain Dealer License for the license period ending June 30, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Security

GD-19 J. E. Meuret Grain Co., Inc., Brunswick \$35,000

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2746 In the Matter of Seed Enterprises, Inc., West Point, seeking cancellation of its Grain Dealer License: Application was granted effective September 2, 2004.

GENERAL ADMINISTRATION

Commissioner Landis left the Commission Hearing Room.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to approve the following Commission invoices: Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

Payments made between September 9, 2004 and September 20, 2004:

Hamilton Telecommunications	\$ 79,628.44
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Current Payments:

DAS - Materiel - Office Supplies	\$ 546.88
HHS Finance and Support	1,758.43
HHS Finance and Support	1,311.05
Ted Burkey	700.00
Kelly Services	581.88
Voyager	1,201.34
Steve Stovall	610.79
Anne Boyle	691.80

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	212.95
Associated Hearing Health Care	289.65
Bosler Hearing Aid Center	459.10
Dynavox Systems, LLC	90.00
Grand Island Hearing Aid	165.00
Hamilton Telecommunications	329.00
Carl A. Johnson	1,895.30
K-D Communications	2,945.55
League of Human Dignity	429.85
McCook Pharmacy & Medical Supply	822.80
Professional Hearing Aid Services	1,134.75
R & J Enterprises	1,112.91
Sherard Hearing Aid Center	1,051.89
Weitbrecht Communications	406.50

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to approve Commission minutes for the month of August 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted for Commissioner Rod Johnson to attend the Mid-America Cable Conference to be held in Kansas City, Missouri, from October 4-6, 2004.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to go into closed session to discuss personnel issues. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting. The Commission went into closed session at 11:45 a.m.

Commissioner Landis returned to the Commission Hearing Room.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission returned to open session at 11:55 a.m.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to accept the resignation of James Hames effective September 30, 2004 and open the position for rehire. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

The meeting adjourned at 12:00 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on September 28, 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 September 27, 2004.

Chairman

Executive Director