

Chairman Vap called the regularly scheduled meeting to order at 10:08 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published November 2, 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 November 9, 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:

Monday, November 22, 2004:

Rule and Commission Hearing Room, Lincoln.  
Regulation In the Matter of the Commission, on its own motion, seeking  
#158 to promulgate Title 291, Chapter 8, Grain Warehouse and  
1:00 Grain Dealer Rules and Regulations, to adopt rules in  
accordance with Nebraska Legislative Bill 723 [2003].  
Commissioner Vap will preside as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3270 In the Matter of TransWorld Network, Corp, Tampa, Florida,  
seeking authority to operate as an interexchange carrier of  
telecommunication services in the State of Nebraska: Motion made by  
Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to  
enter an order granting the application. Motion passed with Commis-  
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and  
Jerry Vap voting AYE.

C-3275 In the Matter of Affinity Network Incorporated, Los  
Angeles, California, seeking authority to use the trade  
name of VoIP Communications: 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-3271 In the Matter of Alltel Communications, Inc., Little  
Rock, Arkansas, seeking approval of its Wireless Inter-  
connection and Reciprocal Compensation Agreement with Cambridge  
Telephone Company, Cambridge: Motion made by Commissioner Lowell  
Johnson, 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.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3276 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to the Wireline Inter-connection Agreement with Community Internet Systems Inc., Columbus, previously granted in Application C-2702: Motion made by Commissioner Lowell Johnson, 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.

C-3277/ In the Matter of the Commission, on its own motion, seeking  
PI-88 comment on the request by United Way of the Midlands to be assigned the use of "211" for Dakota County to gain access to First Call for Help (FCFH), a comprehensive information and referral service: A video site at the Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam Street, Omaha, was added to the list of locations for the video conference scheduled for December 15, 2004, at 2:00 p.m.

Angela Melton informed the Commission that the Nebraska Internet Enhancement Fund Advisory Board will meet on November 29, 2004, at 10:00 a.m. CST via video conference in the Commission Library, Lincoln; Western Nebraska Community College, Room 122, 371 College Drive, Sidney; and Chadron State College, Student Center, Scottsbluff Room, 10th & Main, Chadron. The call in number is 1-877-229-1563, Access Code 11290459.

Don Gray presented a report to the Commission regarding the North American Numbering Council (NANC) meeting and the Symposium of the Future of Numbering held in Washington, DC, on November 4, 2004.

John Burvainis informed the Commission that the Universal Service Administrative Company has suspended payments to schools and libraries due to an interpretation of the Federal Anti-Deficiency Act and Miscellaneous Receipts Act. Upon agreement of all Commissioners, staff was directed to send a letter to the Federal Communications Commission in support of exempting the Federal Universal Service Program from the Anti-Deficiency Act and the Miscellaneous Receipts Act, allowing for a resumption of the payments to schools and libraries.

E-2056 In the Matter of Lincoln Electric System, Lincoln, seeking to construct, operate and maintain electric transmission lines in Lancaster County: 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.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2057 In the Matter of Nebraska Public Power District, Columbus, seeking to construct, operate and maintain electric transmission lines in Sheridan County: 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.

E-2058 In the Matter of South Central Public Power District, Nelson, seeking to construct, operate and maintain electric transmission lines in Clay and Nuckolls Counties: 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.

UNIVERSAL SERVICE FUND

NUSF-38/ In the Matter of Jeffrey L. Pursley, Director, Nebraska  
911-008/ Universal Service Fund and Kara J. Thielen, Director,  
DC-65 Wireless E911 Department, Complainants, vs. TracFone  
Wireless, Inc., Miami, Florida: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing this complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-40/ In the Matter of the Commission, on its own motion, seeking  
PI-86 to determine the extent to which Voice Over Internet Protocol services should be subject to Nebraska Universal Service Fund requirements: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting a motion by AT&T Communications to admit a non-resident attorney. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. A Hearing Officers Order will be issued scheduling a hearing for December 8, 2004, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Commissioner Landis will preside as Hearing Officer.

Jeff Pursley reported on the Late-Filed Carrier Remittances: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to open a complaint against MCI. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Jeff Pursley distributed a summary of the NUSF-40/PI-86 comments received on November 1, 2004.

GRAIN WAREHOUSE DEPARTMENT

GW-244 In the Matter of Ely's, Incorporated, Guide Rock: John Fecht discussed the June 14, 2004 exam results as it relates to the Commission rules on the need for filing an audited financial statement: Upon agreement of all Commissioners, a letter will be sent with details as to why an audited statement is necessary for their fiscal year closing December 31, 2004.

GW-340 In the Matter of Union Grain Company, St. Libory: John Fecht discussed the September 20, 2004 exam results as it relates to the Commission rules on the need for filing a verified inventory. Upon agreement of all Commissioners, a letter will be sent with details as to why a verified inventory is necessary for their fiscal year closing December 31, 2004.

GW-1552 In the Matter of Schilling Grain, Inc., Pawnee City: John Fecht discussed the July 19, 2004 exam results as it relates to the Commission rules on the need for filing a verified inventory. Upon agreement of all Commissioners, this item was tabled until a later date to decide if a verified inventory is necessary.

GW-1599 In the Matter of Alvo Grain and Feed, Inc., Alvo: John Fecht discussed the September 8, 2004 exam results as it relates to the Commission rules on the need for filing a verified inventory. Upon agreement of all Commissioners, a letter will be sent with details as to why a verified inventory is necessary for their fiscal year closing December 31, 2004.

John Fecht informed the Commission that there were two grain warehouse licenses that have not been issued due to background checks. Humphrey Feed and Grain's background check was received on November 9, 2004, bringing the total to one.

Commissioner Boyle exited the Commission Hearing Room.

Grain Dealer Division

GD-182 In the Matter of Haveman Grain Co., Inc., Murray, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending December 31, 2004. Security in the amount of \$35,000.00 has been filed: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

GD-2732 In the Matter of Norfolk Grain Inc., Norfolk, seeking cancellation of its Grain Dealer License: The license was cancelled effective October 29, 2004.

HOUSING DEPARTMENT

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to promulgate Title 291, Chapter 12, Manufactured Housing #162 Rules and Regulations, previously written under Title 178, Chapter 16, through Health and Human Services and to create an Ad Hoc Committee; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and to reprint the chapter in its entirety: Mark Luttich informed the Commission of a manufacturer's comment to the proposed revisions to our regulations. The manufacturer's comments are being reviewed by Mark Luttich and legal counsel. Mark will brief the Commissioners on the manufacturer's comments prior to the next regularly scheduled Commission meeting.

Commissioner Landis left the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

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 retained at 36 cents per mile and the taxi surcharge at 45 cents per trip.

GENERAL ADMINISTRATION

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

Data Source Media	\$	563.00
Kelly Services		577.50
Voyager		827.64
Robert Bowman		984.58
Mark Luttich		330.10
Kent Pribyl		871.79
Anne Boyle		405.00

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

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to go into closed session to discuss personnel issues. Motion passed with Commissioners Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioners Anne Boyle, and Frank Landis Excused Not Voting. The Commission went into closed session at 11:00 a.m.

Commissioners Frank Landis and Anne Boyle reentered the Commission Hearing Room.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, 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 11:15 a.m.

Upon agreement of all Commissioners, authorization was granted for Andy Pollock to contract outside the agency for legal services and to review the salary of a general administration staff person.

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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 23, 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 November 22, 2004.

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Chairman

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Executive Director