

Chairman Vap called the regularly scheduled meeting to order at 10:07 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Vap present and Commissioner Frank Landis excused.

GENERAL ADMINISTRATION

Notice was duly published February 1, 2005, 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 8, 2005 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, February 9, 2005:

NUSF-41 Commission Hearing Room, Lincoln.
10:00 In the Matter of the Commission, on its own motion, seeking to investigate whether to assess the Nebraska Universal Service Fund surcharge on broadband services. Commissioner Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3204 In the Matter of Sprint Communications, L.P., Overland Park, 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: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

C-3273 In the Matter of VCI Company, d/b/a Vilaire Communication Inc., Lakewood, Washington, seeking a Certificate of Public Convenience and Necessity as a local competitive exchange carrier in Nebraska. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order to set the procedural schedule and schedule a hearing for March 22, 2005 at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3313 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of Modifications to Exhibit B of the Statement of Generally Available Terms and Conditions ("SGAT") and Motion to Modify the Qwest Performance Assurance Plan found in Exhibit K to the SGAT: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

C-3326 In the Matter of BeeLine Long Distance, LLC, d/b/a Hello Telecom, Orem, Utah, seeking to terminate its Certificate of Public Convenience and Necessity to provide reselling of inter-exchange telecommunications services within the state of Nebraska previously granted in Docket C-2870: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

C-3344/ In the Matter of the Commission, on its own motion, seeking
PI-92 comment on the request by United Way of the Midlands to be assigned the use of "211" in Boone, Nance, Platte and Colfax Counties for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order opening the docket. Commissioner Rod Johnson will presiding as Hearing Officer. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

C-3324 In the Matter of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking designation as an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2). Commissioner Vap presiding as Hearing Officer: A planning conference was scheduled for February 23, 2005, at 4:00 p.m. in the Commission Library, Lincoln.

Gene Hand discussed SBC Internet Services, Inc.'s (SBCIS), petition to the Federal Communications Commission (FCC) seeking permission to obtain numbering resources directly from the North American Numbering Plan Administrator (NANPA), and/or the Pooling Administrator (PA), which was granted on January 28, 2005. Gene Hand also discussed FCC Plans to grant wireless petitions regarding Intercarrier Compensation, specifically addressing rating, routing, and virtual "NXX" issues.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand discussed the notice from Hamilton Telecommunications indicating their desire to Exercise the Option to Renew the Telecommunications Relay Service Contract: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to approve the option to renew contract: Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

Gene Hand reported that on February 4, 2005, the FCC released the text of its Order on Remand in the Triennial Review Remand Proceeding.

Gene Hand discussed the Department of Navy (Don) initiative to obtain a national area code. Commissioner Tony Clark, North Dakota, has been asked to develop a panel on the associated issues for the Winter NARUC meetings.

Tyler Frost and Cheryl Elton demonstrated the method developed for electronic access to interconnection agreements from the NPSC website.

UNIVERSAL SERVICE FUND

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an Erratum Order correcting Attachment A to the September 8, 2004 Order Approving Telehealth Plan. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

NUSF-37.43 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Department, Complainant vs. Budget Call: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to grant an Order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

NUSF-37.44 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Department, Complainant vs. Global Crossing: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to grant an Order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-2 In the Matter of Commission, on its own motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program: Jeff Pursley discussed the implementation of the December 7, 2004 Order in this matter.

E911 DEPARTMENT

Angela Melton informed the Commission that the E911 Advisory Board Meeting was scheduled for February 25, 2005, at 9:00 a.m. in the Commission Library, Lincoln.

Kara Thielen informed the Commission that the Implementation of Phase II Workshop was scheduled for March 2, 2005, from 1:00 to 4:00 p.m. in the Commission Hearing Room, Lincoln.

Upon agreement of all Commissioners present, approval was granted for the release and distribution of E911 Public Service Announcements to television and radio stations within the State of Nebraska.

NATURAL GAS DEPARTMENT

NG-0026 In the Matter of American Gas Supply, Ltd. (Heartland), Houston, Texas, seeking authority for a Competitive Natural Gas Provider Certificate in the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to grant a motion for a protective order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

RULES AND REGULATIONS

Rule and Regulation #158 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Section 8, Grain Warehouse and Grain Dealer Rules and Regulations, to adopt rules in accordance with Nebraska Legislative Bill 735 [2003]: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to schedule a hearing for March 16, 2005 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

GRAIN WAREHOUSE DEPARTMENT

GW-1790 In the Matter of Garry's Farm Service, Inc., Bloomfield: John Fecht discussed the shortage of corn.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2068 In the Matter of Union Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. 12 65 10 in the amount of \$60,000.00, issued on behalf of Kaldahl Grain, Inc., Superior: The bond was cancelled effective November 25, 2004.

Grain Dealer Division

GD-2094 In the Matter of Old Republic Surety Company seeking cancellation of its Continuous Grain Dealer Bond No. RLI 563341 in the amount of \$65,000.00, issued on behalf of Tri County Feed & Grain, Inc., Randolph: The bond was cancelled effective December 22, 2004.

GD-2735 In the Matter of Western Surety Company seeking cancellation of its Continuous Grain Dealer Bond No. 68748263 in the amount of \$35,000.00, issued on behalf of Galyen Petroleum Co., Inc., Atkinson, Kansas: The bond was cancelled effective October 29, 2004.

GD-2746 In the Matter of United Fire & Casualty Company, seeking cancellation of its Continuous Grain Dealer Bond No. 55-158776 in the amount of \$150,000 issued on behalf of Seed Enterprises, Inc., West Point: Bond cancelled effective December 8, 2004.

John Fecht informed the Commission that there are six grain dealer licenses not issued due to background checks.

John Fecht discussed examination reminder letters: Upon agreement of all Commissioners, an order will be entered February 23, 2005 regarding late fees.

MOTOR TRANSPORTATION DEPARTMENT

B-1651 In the Matter of Eagle One Shuttle, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class service by vans between points in Cass, Saunders, Dodge, Washington and Otoe counties on the one hand, and, on the other hand, points between said counties and Eppley Airfield over irregular routes. RESTRICTIONS: (1) Service between Cass, Saunders, Dodge, Washington and Otoe counties to and from Eppley Airfield will only be made by a prearranged reservation. The service will not accommodate persons from Eppley Airfield to said counties who have not made previous arrangements for such transportation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter the Notice of Pending Dismissal. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1652 In the Matter of Rhonda Turner, dba Wesson's Reliable Transportation, Omaha, seeking authority as a common carrier in open class service in the transportation of passengers and their baggage by vans between points in Douglas and Sarpy counties on the one hand, and, on the other hand, points between said counties over irregular routes: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter the Notice of Pending Dismissal. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

B-1658 In the Matter of JNS Limo Service, North Platte, seeking to acquire, through transfer, the authority granted to Roger and Lori Anderson, dba LA Limo, in Certificate B-1638: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to grant the Application and revoke Certificate B-1638. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

M-13498 In the Matter of Inter Cities Courier Systems, Inc., Omaha, seeking to change an existing operation by name change to Inter Cities Courier Systems, Inc., dba QuickCity Delivery: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to Enter the Order for Name Change. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

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 34 cents per mile and the taxi surcharge at 45 cents per trip.

MR-1020 In the Matter of Portable Storage of Nebraska, LLC, dba PODS, seeking to amend Official Household Goods Tariffs 7-F and 22. Commissioner Vap presiding as Hearing Officer: A hearing was scheduled for February 23, 2005, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

GENERAL ADMINISTRATION

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

Kelly Services	\$	634.38
O'Hara Law Office		1,750.00
Voyager		845.70
Kent Pribyl		1,042.86

The meeting adjourned at 10:53 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Vap present, Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on February 23, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on February 22, 2005.

Chairman

Executive Director