

Chairman Vap called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused at the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published March 29, 2005 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 5, 2005 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, April 5, 2005:

- MCC-3156 Commission Hearing Room. Lincoln.
1:30 In the Matter of Mark Breiner, Director, Motor Transportation Department, vs. A-1 Limousine Services, LLC, BJ Tours, Inc., Black Tie Limousine, Inc., Central Limo Service, N.E. Lincoln Daycare, Nebraska Game & Parks Commission, Omaha Limousine, RT Round Trip Transport, Tree City Cab Company (Allgood), VIP Limobus LLC, VIP Limousine LLC, A-J Moving Service, Ford Storage & Moving Co., Hot Shot Deliveries LLC, Lincoln Moving Services, Nebraskaland Moving & Storage, Pawnee Transfer, Inc., Shasteen Transfer and Storage, Shipper's Transportation, Inc., Smitty's Van & Storage Co., and Transfer 88. Commissioner Landis presiding as Hearing Officer.
- MR-1009 Commission Hearing Room, Lincoln.
2:00 In the Matter of the Commission, on its own motion, initiating an investigation on range uniformity in the Official Intracity Household Goods Tariff 22. Commissioner Rod Johnson presiding as Hearing Officer.

Wednesday, April 6, 2005:

- GW-2135 Richardson County Ag Society, Fair Building, Humboldt.
GWC-397 In the Matter of Wilhelm Grain, Inc., Humboldt. Commissioner Vap presiding as Hearing Officer.
3:00

Monday, April 11, 2005:

- Rule & Workshop. Commission Hearing Room. Lincoln.
Regulation In the Matter of the Commission, on its own motion,
#157A seeking to amend Title 291, Chapter 9, Natural Gas and
10:00 Pipeline Rules and Regulations, to adopt rules in
accordance with Nebraska Legislative Bill 790 [2003].
Commissioner Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Cheryl Elton reported on the telecommunications complaints received by the Communications Department during the preceding month.

FC-1321 In the Matter of McLeod Telecommunications Services, Inc., Cedar Rapids, Iowa, vs. Qwest Corporation, Denver, Colorado, for Enforcement of the interconnection agreement (Emergency Relief Requested): Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting interim relief. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3310 In the Matter of Alltel Corporation, Little Rock, Arkansas, seeking authority to adjust its depreciation rates effective January 1, 2005: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3358 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Amendment to the Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Lightyear Network Solutions, LLC, Louisville, Kentucky, previously granted in C-3239: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3359 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Amendment for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Houlton Enterprises, Inc., d/b/a Guaranteed Phone Service, Council Bluffs, Iowa, previously granted in C-2917: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3360 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Amendment to the Interconnection Agreement for Elimination of UNE-P and Implementation of Batch Hot Cut Process and Discounts with Nebraska Technology & Telecommunications, Inc., Omaha, previously granted in C-1752: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3351 In the Matter of Dieca Communication, Inc., d/b/a Covad Communications Company, San Jose, California, seeking a Petition for Arbitration of an Interconnection Agreement with Qwest Corporation, Denver, Colorado: The staff informed the Commission that Paul Hartman had been selected by the parties to arbitrate this matter.

Gene Hand reported that Qwest Communications Corporation's IP-Enabled Service Operations has filed a petition with the Federal Communications Commission (FCC) for Limited Waiver similar to the petition filed by SBC Internet Services, Inc. (SBCIS) seeking to obtain numbering resources directly from the North American Numbering Plan Administrator and/or the Pooling Administrator. The staff was directed to file comments with the FCC consistent with comments filed in the previous requests for waiver.

Gene Hand informed the Commission that a letter from Cox Communications was received on March 31, 2005, asking the Commission to overturn Neustar's denial of Cox's request for two thousand-blocks of numbers in the Elkhorn Rate Center to meet the requirements of one of their customers. The staff has reviewed the specific information Cox has provided to support the request for a safety valve and upon investigation, believes this request meets the criteria provided by the FCC in NRO-III at §64: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to issue a safety valve letter to Neustar. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Gene Hand reported on the Regional Oversight Committee (ROC) QPAP collaborative audit proposal: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to participate in the ROC QPAP audit with the costs of the audit paid from the Competitive Market Place Fund. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting

UNIVERSAL SERVICE FUND

NUSF-37.45 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Nebraska Public Service Commission, Complainant, vs. Opex Communications, Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to grant an order dismissing this complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

UNIVERSAL SERVICE FUND DEPARTMENT (Cont.)

NUSF-37.55 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Nebraska Public Service Commission, Complainant, vs. T-Netix, Inc., Respondent: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to grant an order dismissing this complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

NUSF-40 In the Matter of the Commission, on its own motion, seeking to determine the extent to which Voice Over Internet Protocol services should be subject to Nebraska Universal Service Fund requirements. Commissioner Landis presiding as Hearing Officer: Jeff Pursley informed the Commission that a Motion for Rehearing has been filed by Qwest Communications. Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to schedule an oral argument for April 20, 2005, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

NUSF-41 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: Jeff Pursley discussed the Hearing Officer's Order postponing the post-hearing brief response period until a future order is entered.

NUSF-43 In the Matter of Nebraska Technology & Telecommunications, Inc., requesting Universal Service support for supported services provided in Alltel exchanges: Jeff Pursley informed the Commission that an application has been received for NT&T to receive support in Alltel's exchanges.

Jeff Pursley discussed the response letter received from AT&T Communications of the Midwest, Inc. to Commissioner Vap's inquiry regarding revenue from pre-paid calling cards.

An NUSF Advisory Board Meeting was scheduled for May 26, 2005, at 1:30 p.m. in the Commission Library, Lincoln.

E911 DEPARTMENT

Kara Thielen advised the Commission that all Advisory Board meetings currently scheduled for June 7, September 12 and October 24 are postponed pending the outcome of the legislature's interim study unless issues arise necessitating a meeting.

NATURAL GAS DEPARTMENT

Laura Demman provided a report on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

LEGISLATIVE REPORT

Angela Melton reported on Senator Brashear's amendment to LB 645 and the status of other bills.

GRAIN WAREHOUSE DEPARTMENT

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: A hearing was scheduled for April 6, 2005 at 3:00 p.m. at the Richardson County Ag Society, Fair Building, 1034 4th, Humboldt and continuing, if necessary, on April 7, 2005, beginning at 8:00 a.m. Commissioner Vap will preside as Hearing Officer.

Commissioner Rod Johnson entered the Commission Hearing Room.

Grain Dealer Division

GD-2738 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, v. Helena Chemical Company, Petersburg, Defendant: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order to dismiss the complaint and cancel the hearing scheduled for April 19, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

GD-2849 In the Matter of Wyo-Braska Bean LLC, Bridgeport, seeking a Grain Dealer license, subject to the fulfillment of all statutory requirements, for the license period ending March 31, 2006: 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, Jerry Vap voting AYE.

GD-2860 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, v. Huron Commodities, Inc., Clinton, ON NOM 1LO, Canada, Defendant: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis to enter an order to dismiss complaint and cancel hearing scheduled for April 19, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Commissioner Landis left the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

M-14149 In the Matter of Steven L. Gill, dba A-J Moving Services, Beatrice, seeking to revoke the authority in Certificate M-14149: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order revoking the authority in Certificate M-14149. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

Rate Division

BR-302 In the Matter of Midwest Special Services, Inc., Curtis, seeking authority to amend its open class rates for its use: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to grant the application as amended on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

BR-303 In the Matter of R & F Hobbies, Inc., dba Prince of the Road, Ravenna, seeking authority to amend its non-charter individual passenger services rates: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to grant the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

TR-143 In the Matter of Golden Plains Services, LLC, dba High Plains Cab Service, McCook, seeking authority to amend their rates and charges: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order to grant the application on an emergency basis. 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 increased to 48 cents per mile.

GENERAL ADMINISTRATION

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.

GENERAL ADMINISTRATION (Cont.)

Robert Bowman	\$	1,089.17
Fred Massing		846.41
Kent Pribyl		675.18
Andy Pollock		102.88
Rod Johnson		852.91

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

AGN Sales	\$	159.20
Aksarben TDD Service		941.85
Alternative Hearing		3,180.00
Harris Communications		996.85
Hearing Aid Specialist Inc.		204.95
Carl A. Johnson		1,537.85
Johnson Hearing Aid Service		129.96
K-D Communications		1963.70
League of Human Dignity		961.90
Professional Hearing Aid Services		459.90
R & J Enterprises		1,554.45
Sherard Hearing Aid Center		1,999.40
Teltex		1,197.60
Weitbrecht Communications		3,836.25

Upon agreement of all Commissioners present, authorization was granted for Commissioner Boyle, Lowell Johnson, Landis and Vap to attend the National Association of Regulatory Utility Commissioners Summer Conference to be held in Austin, Texas, from July 23-27, 2005.

Upon agreement of all Commissioners present, authorization was granted for Commissioners Boyle, Lowell Johnson and Landis to attend the Mid-America Regulatory Conference Annual Meeting to be held in Little Rock, Arkansas, from June 18-22, 2005.

Upon agreement of all Commissioners present, authorization was granted for Gene Hand to attend the Intercarrier Compensation Workshop VI to be held in Washington, DC, from April 21-22, 2005.

The meeting adjourned at 10:40 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, and Vap present and Commissioner Landis excused. The next regularly scheduled meeting will be held on April 12, 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 April 11, 2005.

Chairman

Executive Director