

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

GENERAL ADMINISTRATION

Notice was duly published April 12, 2005 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 19, 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:

Wednesday, April 20, 2005:

LR-252 Commission Hearing Room, Lincoln.
9:30 In the Matter of VIP Limousine, LLC, Omaha, seeking authority to adjust its rates and charges. Commissioner Landis presiding as Hearing Officer.

MR-1020/ Commission Hearing Room, Lincoln.
PI-94 In the Matter of the Commission, on its own motion, seeking
10:00 to investigate whether the Commission has jurisdiction to regulate Portable Storage of Nebraska, LLC, dba PODS, Omaha. Commissioner Landis presiding as Hearing Officer.

NUSF-40 Commission Hearing Room, Lincoln.
1:00 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.

COMMUNICATIONS DEPARTMENT

AD-318r In the Matter of Preferred Medical Deposit, Inc., Urbandale, Iowa, 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, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3335 In the Matter of Qwest Communications Corporation (QCC), Denver, Colorado, seeking to remove restrictions of the Commission Order in Docket C-1839/PI-22: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order of opinions and findings. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

C-3364 In the Matter of Hartman Telephone Exchanges, Inc., Hartman, seeking approval to do business as BWTelcom in the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

C-3379 In the Matter of the Precedential Nature of Orders on Reconsideration Issued in Consolidated Dockets FC-1296 and FC-1297: An oral argument was scheduled for May 9, 2005, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

C-3380 In the Matter of Adelphia Telecommunications, Inc., Greenwood, Colorado, seeking to withdraw its authority to operate as an interexchange carrier of telecommunications services previously granted in Docket C-2207: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order withdrawing the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

C-3385 In the Matter of Computer Network Technology Corporation, Minneapolis, Minnesota, Condor Acquisition Inc., Bloomfield, Colorado, and McDATA Corporation, Bloomfield, Colorado, seeking an Approval of Transfer of Control within the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting approval of the transfer. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

C-3397 In the Matter of Matrix Telecom, Inc., Oklahoma City, Oklahoma, seeking authority to operate as a reseller of local exchange telecommunications services within the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to grant the applicant's motion for leave to file financial information under seal. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3365 In the Matter of Qwest Corporation, Denver, Colorado,
Filing Under Protest of the Commercial Agreement with
Mobius Communications Company, Hemingford, for Provision Qwest
Platform Plus Service (QPP): Motion made by Commissioner Anne Boyle,
seconded by Commissioner Frank Landis, to enter an order granting the
application. Motion passed with Commissioners Anne Boyle, Rod
Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell
Johnson Excused Not Voting.

C-3371 In the Matter of Qwest Corporation, Denver, Colorado,
Filing Under Protest of the Commercial Agreement with
Lightyear Network Solutions, LLC, Louisville Kentucky, for Provision
Qwest Platform Plus Service (QPP): Motion made by Commissioner Anne
Boyle, seconded by Commissioner Frank Landis, to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commis-
sioner Lowell Johnson Excused Not Voting.

C-3372 In the Matter of Qwest Corporation, Denver, Colorado,
Filing Under Protest of the Commercial Agreement with Allo
Communications, Imperial, for Provision Qwest Platform Plus Service
(QPP): Motion made by Commissioner Anne Boyle, seconded by Commis-
sioner Frank Landis, to enter an order granting the application.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused
Not Voting.

C-3373 In the Matter of Qwest Corporation, Denver, Colorado,
Filing Under Protest of the Commercial Agreement with
Nebraska Technology & Telecommunications, Omaha, for Provision Qwest
Platform Plus Service (QPP): Motion made by Commissioner Anne
Boyle, seconded by Commissioner Frank Landis, to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commis-
sioner Lowell Johnson Excused Not Voting.

C-3374 In the Matter of Qwest Corporation, Denver, Colorado,
Filing Under Protest of the Commercial Agreement with
Integra Telecom Inc., Beaverton, Oregon, for Provision Qwest Platform
Plus Service (QPP): Motion made by Commissioner Anne Boyle, seconded
by Commissioner Frank Landis, to enter an order granting the applica-
tion. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused
Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3384 In the Matter of Qwest Corporation, Denver, Colorado, Filing Under Protest of the Commercial Agreement with Bullseye Telecom, Inc., Oak Park, MI, for the Provision Qwest Platform Plus Service (QPP): Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

C-3324 In the Matter of N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless, Fort Morgan, Colorado, seeking a designation as an eligible telecommunications carrier under 47 U.S.C. Section 214(e)(2). Commissioner Jerry Vap presiding as Hearing Officer: Shana Knutson reported on the status of the docket. An oral argument was scheduled for April 26, 2005, at 9:00 a.m. in the Commission Hearing Room, Lincoln.

C-3345/ In the Matter of the Commission, on its own motion, seeking NUSF-42/ to investigate Qwest's Switched Access Charge Rates: Gene PI-93 Hand reported that a prehearing conference order was entered by Hearing Officer Commissioner Frank Landis on April 18, 2005. An oral argument was scheduled for April 26, 2005, at 1:30 p.m. and on May 20, 2005, at 10:00 a.m., both in the Commission Hearing Room, Lincoln. A hearing was scheduled for July 13, 2005, at 9:30 a.m. in the Commission Hearing Room, Lincoln. The hearing will be continued to July 14 and 15 if needed.

Gene Hand informed the Commission that on April 13, 2005 the Federal Communications Commission (FCC) published the order adopting 811 as the national abbreviated dialing code to be used by state One Call notifications systems. The order requires implementation within two years of publication in the Federal Register. The staff was authorized to develop an implementation plan including collaboration with affected organizations and carriers.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant one-time waivers for the late-filed February worksheets of Arapahoe Telephone Company and Applied Communications and Technology, dba ATCLD, and, that the request for waiver for the December, 2003 through February, 2005 late-filed worksheets of Advantage Telecommunications Corporations be granted. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-42/ In the Matter of the Commission, on its own motion, seeking
C-3345/ to investigate Qwest's Switched Access Rate Structure:
PI-93 Jeff Pursley discussed the Hearing Officer's Prehearing
Conference Order establishing various deadlines and setting
a hearing for July 13, 2005, at 9:30 a.m. in the Commission Hearing
Room, Lincoln. The hearing will be continued to July 14 and 15, 2005,
if needed.

NUSF-4 In the Matter of the Commission, on its own motion, seeking
to determine the level of the fund necessary to carry out
the Nebraska Telecommunications Universal Service Fund Act beginning
July 1, 2005: The hearing scheduled for May 11, 2005, was continued
to June 1, 2005, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

E911 DEPARTMENT

911-013/ In the Matter of the Commission, on its own Motion, seeking
PI-96 to investigate collection and remittance of enhanced 911
surcharges by prepaid wireless carriers: Motion made by
Commissioner Rod Johnson, seconded by Commissioner Anne Boyle, to
enter an order opening the docket. Motion passed with Commissioners
Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE,
Commissioner Lowell Johnson Excused Not Voting.

NATURAL GAS DEPARTMENT

NG-0007 In the Matter of the Tariff for natural gas service avail-
able in the entire territory served by Aquila, Inc., d/b/a
Aquila Networks - Nebraska, filed November 1, 2004, to update and make
uniform tariffs, rules and regulations currently on file: Motion made
by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to
approve tariff revisions pursuant to the Stipulation & Agreement of
Settlement. Motion passed with Commissioners Anne Boyle, Rod Johnson,
Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson
Excused Not Voting.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#164 Regulations, to add rules for incumbent local exchange
carriers with an affiliated competitive local exchange
carrier serving in the same territory: Commissioner Landis was
appointed as Hearing Officer for the hearing scheduled for May 17,
2005.

WEB AND TECHNOLOGY REPORT

Tyler Frost reported that the State Government Council approved a new email product. Conversion of Commission personnel is scheduled for June 1, 2005.

LEGISLATIVE REPORT

Angela Melton reported on, and the Commission discussed, the status of legislation affecting the Commission.

GRAIN WAREHOUSE DEPARTMENT

GW-93 In the Matter of The Keene Cooperative Grain and Supply Company, Axtell, seeking approval of special rates and Charges: A hearing was scheduled for May 19, 2005 at 9:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Vap presiding as Hearing Officer.

GW-306 In the Matter of John A. Fecht, Director, Warehouse
GWC-404 Department, v. Geneva Milling Co., Inc., Geneva, Defendant:
Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis to enter a Complaint, Order to Show Cause, and Order for Hearing. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting. A hearing was scheduled for May 19, 2005 at 9:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson presiding as Hearing Officer.

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht updated the Commission regarding the load out of grain.

Grain Dealer Division

GD-2760 In the Matter of John A. Fecht, Director, Warehouse
GDC-405 Department, Complainant, v. South Platte Commodities,
L.L.C., Brule, Defendant: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter a Complaint, Order to Show Cause, and Order for Hearing. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting. A hearing was scheduled for May 19, 2005 at 9:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Jerry Vap presiding as Hearing Officer.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GD-2826 In the Matter of John A. Fecht, Director, Warehouse Depart-
GDC-402 ment, Complainant, v. Cooperative Marketing Alliance, Inc.
 dba CoMark, Memphis, Tennessee, Defendant: Motion made by
Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to
enter an order to dismiss the complaint and cancel the hearing
scheduled for April 19, 2005. Motion passed with Commissioners Anne
Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commis-
sioner Lowell Johnson Excused Not Voting.

GD-2834 In the Matter of John A. Fecht, Director, Warehouse Depart-
GDC-400 ment, Complainant, v. FGDI L.L.C., West Des Moines, Iowa,
 Defendant: Motion made by Commissioner Anne Boyle,
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, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused
Not Voting.

GD-2871 In the Matter of John A. Fecht, Director, Warehouse
GDC-398 Department, Complainant, v. North Side Grain Co., Laurel,
 Defendant: Motion made by Commissioner Anne Boyle,
seconded by Commissioner Rod Johnson, to enter an order to dismiss
the complaint and cancel the hearing scheduled for April 19, 2005.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused
Not Voting.

GD-2871 In the Matter of North Side Grain Co., Laurel, 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 Anne Boyle, seconded by Commissioner Rod
Johnson, to enter an order granting the application. Motion passed
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry
Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

TRANSPORTATION DEPARTMENT

B-1660 In the Matter of Alford Oil Company, dba Omaha Limousine,
 Omaha, seeking to acquire, through transfer, the authority
granted to Omaha Limousine Co., LLC, dba Omaha Limousine, in Certifi-
cate B-1548: Motion made by Commissioner Frank Landis, seconded by
Commissioner Rod Johnson, to enter an order granting the application
for authority and revoking Certificate B-1548. Motion passed with
Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap
voting AYE, Commissioner Lowell Johnson, Excused Not Voting.

TRANSPORTATION DEPARTMENT (Cont.)

B-1657 In the Matter of Lawrence Enterprises, Omaha, seeking to acquire, through transfer, the authority granted to LS Enterprises in Certificate B-1639: Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to enter an order granting the application for authority and revoking Certificate B-1639. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson, Excused Not Voting.

M-14184 In the Matter of R & F Movers, Inc., seeking authority as a common carrier of household goods by truck between points within a 30 mile radius of the city limits of Lincoln, Nebraska, over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused, Not Voting.

Rate Division

BR-301 In the Matter of Laidlaw Transit, Inc., Omaha, seeking authority to adjust its rates and charges on an emergency Basis: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson 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 46 cents per mile.

Commissioner Frank Landis exited, then returned to the Commission Hearing Room.

GENERAL ADMINISTRATION

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

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM:

Aksarben TDD Service	\$2,224.35
Alternative Hearing	2,269.25
Grand Island Hearing Aid Center	1,830.65
Hamilton Telecommunications	408.95
Carl A. Johnson	3,291.45
Johnson Hearing Aid Service, Inc.	499.20
Janet L. Killam	12,454.05
Professional Hearing Aid Services	3,609.05
R and J Enterprises	418.35
Sherard's Hearing Aid Center	1,312.10
Teltex	844.15
Weitbrecht Communications	3,836.95
Western ENT Associates	33,538.35
Gerald L. Vap	761.44

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve Commission minutes for the month of March 2005. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to authorize Gene Hand to attend the 2005 Wyoming Telecommunications Forum to be held in Laramie, Wyoming, from April 25-27, 2005 with all expenses to be paid by the 2005 Wyoming Telecommunications Forum Steering Committee. Mr. Hand will be giving a presentation at the conference. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting.

Upon agreement of all Commissioners present, authorization was granted for Mark Breiner to attend the National Conference of State Transportation Specialists to be held in Boston, Massachusetts, from June 11-15, 2005.

Upon agreement of all Commissioners present, authorization was granted for Fred Massing to travel to Clay Center, Kansas, on April 12, 2005, to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting. The Commission went into closed session at 10:50 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Lowell Johnson Excused Not Voting. The Commission returned to open session at 11:02 a.m.

The meeting adjourned at 11:04 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on April 26, 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 25, 2005.

Chairman

Executive Director