

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published May 17, 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 May 24, 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, May 24, 2005:

C-3345/ Commission Hearing Room, Lincoln. Oral Argument.
NUSF-42/ In the Matter of the Commission, on its own motion, seeking
PI-93 to investigate Qwest's Switched Access Charge Rates. Com-
2:30 missioner Landis presiding as Hearing Officer.

Thursday, May 26, 2005:

1:30 Commission Library, Lincoln. NUSF Advisory Board Meeting.

COMMUNICATIONS DEPARTMENT

SC-005/ In the Matter of Maurice Gene Hand, Director, Communica-
DC-66 tions Department, and Jeffrey L. Pursley, Director,
Nebraska Universal Service Fund Department, Complainants;
v. Long Distance Savings; Defendant: Motion made by Commissioner
Lowell Johnson, seconded by Commissioner Frank Landis, to enter an
order granting partial dismissal. Motion passed with Commissioners
Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap
voting AYE.

C-3381/ In the Matter of the Commission, on its own motion, seeking
DC-70 2004 Annual Report Filings: Motion made by Commissioner
Lowell Johnson, seconded by Commissioner Rod Johnson, to
enter an order granting partial dismissal. Motion passed with Commis-
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry
Vap voting AYE.

C-3394 In the Matter of Matrix Telecom, Inc., Oklahoma City,
Oklahoma, Global Crossing Telecommunications, Inc. and
Global Crossing Telemanagement, Inc., Pittsford, New York, seeking
Expedited Approval of the Transfer of Certain Assets and a Waiver of
Applicable Anti-Slamming Regulations: 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, Frank Landis, Jerry Vap voting
AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3395 In the Matter of Dial-Around Telecom, Inc., Grapevine, Texas, seeking authority to operate as a Resale Common Carrier of Telecommunications Services and Alternate Operator Services within the state of Nebraska: 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.

C-3401 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 Ionex Communications North Inc., fka Advanced Communications Group and Firstel, Inc., Addison, Texas, previously granted in Docket C-2281: Motion made by Commissioner Lowell Johnson, 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.

C-3402 In the Matter of WorldxChange Corporation, San Diego, California, seeking approval to change the name of its operating authority to Acceris Communications Corp: 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, Frank Landis, Jerry Vap voting AYE.

C-3404 In the Matter of the Blair Telephone Company, Blair, and Arlington Telephone Company, Blair, seeking to transfer the authority granted to Arlington Telephone Company by the Commission to The Blair Telephone Company: 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, Jerry Vap voting AYE.

E-1970 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order granting an extension. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

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): Shana Knutson discussed the status of the application.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3423 In the Matter of the request by 34 Nebraska Rural Local Exchange Carriers to Revise the Commission's July 20, 2004 Order Granting Suspension of the Federal Communications Commission's Requirement to Implement Wireline-Wireless Number Portability Pursuant to 47 U.S.C. 251(f)(2): Gene Hand updated the Commission on the status of the docket.

C-3345/ In the Matter of the Commission, on its own motion, seeking
NUSF-42/ to investigate Qwest's Switched Access Rate Structure:
PI-93 Shana Knutson advised the Commission on the Oral Argument scheduled for this afternoon.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to levy late fees against Arch Wireless Operating Company, Sodtown Telephone Company, Ionex Communications and Global Tel*Link Corporation and that a complaint be filed against Business Telecom, Inc. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Jeff Pursley updated the Commission on the current Payment Audit Procedures and made recommendations for changes, requiring all ETC's to list by location the investments that the company has made. The decision on proposed requirements was tabled for further discussion.

Jeff Pursley proposed that hospitals participating in the telehealth network be required to certify that discounts provided to them by the telephone companies have been received.

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

WIRELESS 911 DEPARTMENT

PSAP-037 In the Matter of Cass County, Plattsmouth, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Joan Raffety reported on the application. The proceeding was held over.

PSAP-041 In the Matter of Seward County, Seward, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Joan Raffety reported on the application. The proceeding was held over.

NATURAL GAS DEPARTMENT

NG-0023 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, seeking to implement supply cost adjustment rate schedules applicable to Nebraska Rate Schedules CGS (Choice Gas Service), ACGS-NSS (Agricultural Choice Gas Service Non-Seasonal Service), and ACGS-SS (Agricultural Choice Gas Service). Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order suspending the Other Services Charge in the Gas Supply Cost Adjustment tariff filed April 28, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

NG-0023.1 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, seeking approval of Plan of Action to implement supply cost adjustment rate schedules applicable to Nebraska Rate Schedules CGS (Choice Gas Service), ACGS-NSS (Agricultural Choice Gas Service Non-Seasonal Service), and ACGS-SS (Agricultural Choice Gas Service: A video hearing was set for June 10, 2005, at 10:00 a.m. in the Commission Library, Lincoln and McMillen Hall, Room 208, 1205 East 3rd Street, McCook. Commissioner Landis was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

B-1277 In the Matter of Brian L. Mills, dba Fantasy Limousine, Omaha: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an Order to Show Cause and Set for Hearing. A hearing was scheduled for June 7, 2005, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle was appointed as Hearing Officer. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

B-1494 In the Matter of Midlands Services Link, Inc., Omaha, Supp. 1 seeking to acquire, through transfer, the authority granted to All Nations Church of the Lord Jesus Christ, dba All Nations Specialized Transport & Travel Service, Omaha, in Certificate B-1514: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order for pending dismissal of the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

B-1665 In the Matter of Jim Blundell, dba MG Taxi Service, York, seeking to acquire, through transfer, the authority granted to Modesto Gonzalez, dba MG Taxi Service, York, in Certificate B-1387: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order approving the application for temporary authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

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 46 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-93 In the Matter of The Keene Cooperative Grain and Supply Company, Axtell. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an Order extending the expiration date for the storage rate previously granted in the May 18, 2004 order. The hearing previously scheduled for May 19, 2005, was continued to June 28, 2005, at 9:00 a.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

GW-853 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, v. Retzlaff Grain Company, Incorporated, Defendant: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter a Complaint, Order to Show Cause, and Order for Hearing. A hearing was scheduled for July 6, 2005 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Jerry Vap was appointed Hearing Officer. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

GW-2135 In the Matter of Wilhelm Grain, Inc., Humboldt: John Fecht reported that all grain has been loaded out of the facilities.

GW-2137 In the Matter of John A. Fecht, Director, Warehouse Department, Complainant, v. Grovijohn Feed & Seed, Inc., Howells, Defendant: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter a Complaint, Order to Show Cause, and Order for Hearing. A hearing was scheduled for July 6, 2005 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson was appointed Hearing Officer. Commissioner Landis stepped out of the hearing room during this discussion. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Jerry Vap voting AYE, Commissioner Frank Landis Excused Not Voting.

Commissioner Landis returned to the Commission Hearing Room.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

DAS - Materiel - Postage	\$	666.08
Daily Record		869.50
Donald Gray		774.70
Anne Boyle		243.00
Lowell Johnson		279.30
Gerald Vap		951.80

Upon agreement of all Commissioners, authorization was granted for Steve Stovall to attend the Qwest 272 audit to be held in Denver, Colorado, from June 27 through July 1, 2005.

Upon agreement of all Commissioners, authorization was granted for Fred Massing to travel to Clay Center, Kansas, on May 18, 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.

Upon agreement of all Commissioners, authorization was granted for Jeff Pursley to attend a USF Joint Board Meeting to be held in Chicago, Illionis, on June 7, 2005 with all expenses to be paid by the Joint Board.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE. The Commission went into closed session at 10:58 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE. The Commission returned to open session at 11:10 a.m.

The meeting adjourned at 11:10 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on June 1, 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 May 31, 2005.

Chairman

Executive Director