

Chairman Vap called the regularly scheduled meeting to order at 10:04 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused.

#### GENERAL ADMINISTRATION

Notice was duly published June 7, 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 June 14, 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:

Tuesday, June 14, 2005:

C-3415 Commission Hearing Room, Lincoln.  
1:30 In the Matter of the Commission, on its own motion, seeking to establish an interim policy on eligible telecommunications carrier standards. Commissioner Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

FC-1320 In the Matter of Action Communications, Inc., Scottsbluff, vs. Qwest Corporation, Denver, Colorado, alleging numerous billing errors, delays, and failure to process transfer requests in an acceptable time frame. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3398 In the Matter of United Telephone Company of the West, Overland Park, Kansas, seeking authorization for Revised Depreciation Rates: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, 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-3408 In the Matter of New Rochelle Telephone Corporation, White Plains, New York, seeking authority to provide competitive local exchange and interexchange telecommunications services in the state of Nebraska: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3409 In the Matter of IBFA Acquisition Company, LLC, Elk Grove Village, Illinois, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, 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-3410 In the Matter of Pacific Centrex Services, Inc., Los Angeles, California, seeking a Certificate of Public Convenience and Necessity to provide local exchange telecommunications service with the state of Nebraska: 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-3413 In the Matter of Pacific Centrex Services, Inc., North Hollywood, California, seeking a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services within the state of Nebraska: 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, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

C-3429 In the Matter of Sprint Communications Company L.P., (Sprint), Overland Park, Kansas, seeking arbitration under the Telecommunications Act of certain issues associated with the proposed interconnection agreement between Sprint and Southeast Nebraska Telephone Company: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to grant the motion to designate the Commission as the Arbitrator. 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-43 In the Matter of Nebraska Technology and Telecommunications, Inc., seeking universal service support for supported services provided in Alltel exchanges. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to schedule a hearing for June 28, 2005 at 1:30 pm in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported on Late-Filed Carrier Remittances. Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to levy a late fee against Entrix Telecom, Inc.; that complaints be filed against 3U Telecom, Inc., Clear World Communications, Norstan Network Services and Telstra; and that a waiver of late fees be granted to Qwest Communications for the late ACH payment of April, 2005, Time Warner for the late ACH payments of March and April, 2005 and Ionex Communications for the late-filed worksheet for April, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

NUSF-37.33 In the Matter of Jeff Pursley, Director, Universal Service Fund Department, Complainant v. IDT America, Corporation, Defendant: Jeff Pursley discussed the complaint against IDT America, Corporation. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to amend the complaint to include the late-filed April, 2005 worksheet and that a hearing be scheduled for a date later to be determined. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Jeff Pursley discussed a request received from Golden West regarding the usage of federal guidelines instead of the Nebraska NTAP guidelines, due to the minimal number of Nebraska customers: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve Golden West's request and open a proceeding to formalize a policy on customers served from other states. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Jeff Pursley discussed the policy of Director approved true-ups and refunds.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to approve Recognition by Resolution of Robert Lanphier's service and contributions to the Nebraska USF Advisory Board. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to approve Recognition by Resolution of Alan Wibbel's service and contributions to the Nebraska USF Advisory Board. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

NATURAL GAS DEPARTMENT

NG-0028/  
PI-97 In the Matter of the Commission, on its own motion, seeking to investigate and adopt policies for administration of Consumer Choice Programs offered by Jurisdictional Utilities: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order opening an investigatory docket and scheduling a workshop for September 13, 2005, at 1:30 p.m. in the Commission Library, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting. Interested parties are requested to submit comments on issues related to consumer choice programs for natural gas service in Nebraska, on or before August 15, 2005 at 5:00 p.m.

RULES AND REGULATIONS

Rule and Regulation #165 In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 5, Telecommunications Rules and Regulations, to add rules for designating eligible telecommunications carriers in Nebraska for the purpose of receiving federal universal service support: A hearing was scheduled for August 2, 2005 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Jerry Vap was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT

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 Cooperative Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. GW5 in the amount of \$416,300.00, issued on behalf of The Keene Cooperative Grain and Supply Company, Keene: The bond was cancelled effective May 10, 2005.

GW-181 In the Matter of Lisco Elevator Incorporated, Lisco, seeking cancellation of its Grain Warehouse License: The request was granted and the license cancelled.

GW-181  
GWC-403 In the Matter of John A. Fecht, Director, Grain Warehouse Department, v. Lisco Elevator, Incorporated, Lisco, Defendant: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order to dismiss the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-182 In the Matter of Haveman Grain Co., Inc., Murray, seeking to buy the grain represented on lost Grain Warehouse Receipt B489654: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

GW-1112 In the Matter of Tri-State Insurance Company of Minnesota, seeking cancellation of its Continuous Public Grain Warehouse Bond No. 702 43 11 in the amount of \$25,600.00, issued on behalf of Osmond Farm Supply Center, Inc., Osmond: Bond cancelled effective May 9, 2005.

GW-2125 In the Matter of Strausville Grain, Inc., Strausville: John Fecht discussed the shortage of corn and soybeans.

GW-2135 In the Matter of John A. Fecht, Director, Grain Warehouse  
GWC-397 Department, Complainant, v. Wilhelm Grain, Inc., Humboldt, Defendant. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order denying the claim on rehearing. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

GW-2137 In the Matter of John A. Fecht, Director, Grain Warehouse  
GWC-407 Department, Complainant, v. Grovijohn Feed & Seed, Inc., Howells, Defendant. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order approving a stipulation, dismissing the complaint, and canceling the hearing previously scheduled for July 6, 2005.

Grain Dealer Division

GD-2135 In the Matter of John A. Fecht, Director, Grain Warehouse  
GDC-397 Department, Complainant, v. Wilhelm Grain, Inc., Humboldt, Defendant. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order denying the claim on rehearing. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

GENERAL ADMINISTRATION

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

Kelly Services	\$	1,091.08
Kelly Services		668.65
Thomson West		557.20
Voyager		710.07
United States Post Office		824.00
Shanicee Knutson		776.47

Upon agreement of all Commissioners present, authorization was granted for Gene Hand and Jeff Pursley to attend the National Association of Regulatory Utility Commissioners Summer Conference to be held in Austin, Texas, from July 21-27, 2005.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to approve renewal of the Recreational Plan Review Contract #7567 and the Recreational Vehicle Factory Inspection Contract #7566 with Ted Burkey. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to approve renewal of the Public Relations Contract #7565 with Larry Fauss. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to approve renewal of the Bureau of Business Research Contract #3173 with the University of Nebraska-Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting. The Commission went into closed session at 10:40 a.m.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Rod Johnson Excused Not Voting. The Commission returned to open session at 11:05 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to advertise for an accountant position. Motion passed with Commissioners Anne Boyle, Lowell Johnson, and Jerry Vap voting AYE, Commissioner Frank Landis voting NAY, and Commissioner Rod Johnson Excused Not Voting.

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The meeting adjourned at 11:10 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused. The next regularly scheduled meeting will be held on June 21, 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 June 20, 2005.

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Chairman

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Executive Director