

Chairman Vap called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

#### GENERAL ADMINISTRATION

Notice was duly published July 6, 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 July 12, 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, July 12, 2005:

NG-0029 Commission Hearing Room, Lincoln. Workshop.  
1:30 In the Matter of the Commission, seeking to conduct periodic reviews of natural gas supply purchasing plans of jurisdictional utilities.

#### Monday, July 18, 2005:

C-3324 Commission Hearing Room, Lincoln.  
10:00 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 Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

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 Vap presiding as Hearing Officer: A Hearing Officer order was entered changing the time of the hearing on July 18, 2005 from 9:00 a.m. to 10:00 a.m.

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

COMMUNICATIONS DEPARTMENT (Cont.)

C-3422 In the Matter of Network PTS, Inc., San Leandro, California, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3423 In the Matter of the 34 Nebraska rural local exchange carriers seeking 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): Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap voting AYE.

C-3433 In the Matter of Nebraska Technology & Telecommunications, Inc., Omaha, Diller Telephone Co., Diller, and Marcus D. Young, II, Omaha, seeking approval of the change of controlling interest in Nebraska Technology & Telecommunications, Inc., Omaha: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap voting AYE.

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, Falls City: Gene Hand informed the Commission that a Hearing Officer's order was entered on discovery. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter a protective order. Motion passed with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap voting AYE.

C-3431 In the Matter of United Telephone Company of the West, dba Sprint, Overland Park, Kansas, seeking approval of the Master Interconnection, Collocation and Resale Agreement with Granite Telecommunications LLC., Quincy, Massachusetts: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order to approve the application. Motion passed with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap voting AYE.

Gene Hand reported on the Federal Communications Commission data released July 7, 2005 on High-Speed Services for Internet Access.

UNIVERSAL SERVICE FUND

NUSF-32.04 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission orders and, at its own discretion, impose administrative fines against the named defendants: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to grant an order dismissing Tracfone from this proceeding. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-37.57 In the Matter of Jeffrey L. Pursley, Director, Universal Service Department, Complainant, vs. LDMI Long Distance, Respondent: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to grant an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley reported on the applications received in this docket from Allo Communications and Pinpoint Communications regarding competitive business telecommunications services.

E911 DEPARTMENT

Upon Commissioner Boyle's inquiry, Joan Raffety reported on the progress of the Phase II request of Douglas County.

NATURAL GAS DEPARTMENT

NG-0013 In the Matter of the Commission, on its own motion, seeking to evaluate and establish, on a quarterly basis, an assessment for jurisdictional utilities pursuant to the State Natural Gas Regulation Act [LB 790, 2003]. Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an assessment order. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

MCC-3152 In the Matter of Andy S. Pollock, Director, Motor Transportation Department vs. S & B Enterprises, dba Apartment Movers of Omaha, Omaha: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order sustaining the complaint and assessing a civil penalty. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT (Cont.)

M-14147 In the Matter of Jeannie Murphy Matthews, dba Murphy Moving  
Omaha: Commissioner Boyle was appointed as Hearing Officer  
for the hearing scheduled for August 2, 2005, at 3:00 p.m. in the Com-  
mission Hearing Room, Lincoln.

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 50 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of J. E. Meuret Grain Co., Inc., Brunswick,  
seeking to buy the grain represented on lost Public Grain  
Warehouse Receipt B683208: Motion made by Commissioner Frank Landis,  
seconded by Commissioner Lowell Johnson, to grant the application.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson, Frank Landis and Jerry Vap voting AYE.

GW-93 In the Matter of The Keene Cooperative Grain and Supply  
Company, Axtell, seeking special storage rates and charges:  
Motion made by Commissioner Lowell Johnson, seconded by Commissioner  
Frank Landis, to enter an order approving special storage rates.  
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod  
Johnson, Frank Landis and Jerry Vap voting AYE.

Grain Dealer Division

GD-2897 In the Matter of T. Feller, LLC, dba Nebraska Ag Trading,  
Wisner, 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 Lowell Johnson,  
seconded by Commissioner Frank Landis, to enter an order granting the  
application. Motion passed with Commissioners Anne Boyle, Lowell  
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GENERAL ADMINISTRATION

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

Hewlett-Packard	\$	1,134.00
Kelly Services		546.88
NARUC-TR Subscription		1,420.00
NARUC-Membership dues		8,462.00
Voyager		1,198.93

GENERAL ADMINISTRATION (Cont.)

DAS-State Accounting	\$ 10,942.49
DAS-State Accounting	3,426.96
Robert Bowman	748.30
Fred Massing	638.31

Upon agreement of all Commissioners, authorization was granted for Steve Stovall to attend the National Association for State Relay Administration Conference in Tucson, Arizona from September 7-10, 2005.

Commissioner Rod Johnson exited the Commission Hearing Room.

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 10:30 a.m.

Commissioner Rod Johnson returned to the Commission Hearing Room.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission returned to open session at 10:52 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to approve adjustments in salaries. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to authorize the Executive Director to pursue discussions and enter into an agreement with the Attorney General regarding paying a portion of the salary of an Assistant Attorney General. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

The meeting adjourned at 10:55 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on July 19, 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 July 18, 2005.

---

Chairman

---

Executive Director