

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

GENERAL ADMINISTRATION

Notice was duly published September 21, 2005 on Page 10 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 27, 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, September 27, 2005:

B-1277 Commission Hearing Room, Lincoln. Oral argument.
1:00 In the Matter of Brian L. Mills, dba Fantasy Limousine,
Omaha. Commissioner Landis presiding as Hearing Officer.

Wednesday, September 28, 2005:

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

Thursday, September 29, 2005:

NUSF-37.33 Commission Hearing Room, Lincoln.
2:00 In the Matter of Jeffrey L. Pursley, Director, Universal
Service Department, Complainant, vs. IDT America, Corpora-
tion, Respondent. Commissioner Rod Johnson presiding as
Hearing Officer.

Friday, September 30, 2005:

LR 190 State Capitol, Room 1507.
1:30 Legislative hearing on LR 190

Monday, October 3, 2005:

W-010 City Council Chambers, City Hall, 218 South 16th Street,
6:00 Blair. In the Matter of Lakeland Estates Water Co., Blair,
seeking authority to increase rates effective July 1, 2005.
Commissioner Lowell Johnson presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3467 In the Matter of KMC Telecom III, LLC, Lawrenceville, Georgia, seeking to withdraw its authority as a Competitive Local Exchange and Interexchange Telecommunications Carrier 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 Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-3465 In the Matter of United Telephone Company of the West, dba Sprint, Overland Park, Kansas, seeking an amendment to the interconnection agreement with Granite Telecommunications, LLC, Quincy, Massachusetts, granted in Docket C-3431: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-3470 In the Matter of United Telephone Company of the West, dba Sprint, Overland Park, Kansas, seeking an amendment to the interconnection agreement with Action Communications, Inc., Scottsbluff, granted in Docket C-3333: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioners Anne Boyle and Rod Johnson excused not voting.

C-3454/
PI-103 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Burt, Cumming, and Thurston Counties for access to First Call for Help (FCFH), a comprehensive information and referral service: Gene Hand discussed the need for a public meeting. Upon agreement of all Commissioners present, no public meeting will be held.

C-3464/
PI-105 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Thayer county for access to First Call for Help (FCFH), a comprehensive information and referral service: Gene Hand informed the Commission of Commissioner Rod Johnson's recommendation that no public meeting be held in this matter.

Gene Hand and Shana Knutson presented reports respectively on the Qwest Regional Oversight Committee (ROC) Meeting held on September 18-19, 2005 and the North Dakota Statewide Conference on Wireless Telecommunications, held on September 20, 2005 both in Bismarck, North Dakota.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that on September 23, 2005, the Federal Communications Commission (FCC) released three orders adopted August 5, 2005 addressing broadband issues and confirming that the Communications Assistance for Law Enforcement Act (CALEA) applies to facilities-based broadband internet access providers and providers of interconnected Voice over Internet Protocol (VoIP) service.

Gene Hand reviewed the access charge issues framed for comment during the pleading cycle established by the FCC in response to petitions for declaratory ruling filed by SBC and VarTec.

Commissioner Rod Johnson entered the Commission Hearing Room during the previous report.

UNIVERSAL SERVICE FUND

NUSF-2 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order seeking comments for revised NTAP eligibility guidelines. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-37.33 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Fund Department, Complainant vs. IDT America, Corporation, Respondent: Hearing Officer Rod Johnson directed that the hearing scheduled for September 29, 2005 be continued to a date later to be determined.

Jeff Pursley reported on the filing of comments to the FCC in response to a public notice to modify the Commission's Rules relating to high-cost universal service support.

Jeff Pursley reported on Late-Filed Carrier Remittances. Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, approving the levy of late fees against Custom Teleconnect Inc.; Metrocall, Inc.; and Time Warner Cable Services and, that complaints against Enhanced Communications Group and Network US, dba CA Affinity, be waived. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

E911 DEPARTMENT

Kara Thielen reported on the Nebraska Association of County Officials' (NACO) PSAP survey.

NATURAL GAS DEPARTMENT

NG-0004.1/ In the Matter of Aquila, Inc., d/b/a Aquila Networks HSD-002 (Aquila), Omaha, seeking a waiver of the 30-day notice period under *Neb. Rev. Stat.* 66-1854 and to recover the gas cost portion of uncollectible accounts through its Gas Cost Adjustment tariff. Commissioner 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 Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

LEGISLATIVE REPORT

Angela Melton reported on the appointments to the LB 645 Broadband Services Task Force.

TRANSPORTATION DEPARTMENT

Rate Division

TR-148 In the Matter of Golden Plains Services, Inc., dba High Plains Cab Service, McCook, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the application on an emergency basis. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TR-150 In the Matter of CABCO, Inc., Scottsbluff, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle 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 64 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-2135 In the Matter of Nationwide Mutual Insurance Company seeking cancellation of its Continuous Public Grain Warehouse Bond No. BD 7900647458 in the amount of \$172,500.00, issued on behalf of Wilhelm Grain, Inc., Humboldt: The bond was cancelled effective September 17, 2005.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2174 In the Matter of Pender Grain Elevator, Inc., Pender, seeking a Grain Warehouse License, subject to the fulfillment of all statutory requirements for the license period ending June 30, 2006: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Grain Dealer Division

GD-2116 In the Matter of Employers Mutual Casualty Company, seeking cancellation of its Continuous Grain Dealer Bond T22 43 22 in the amount of \$35,000.00, issued on behalf of Hilltop Feed & Grain, Inc., Wisner: The bond was cancelled effective September 27, 2005.

GD-2135 In the Matter of Nationwide Mutual Insurance Company seeking cancellation of its Continuous Grain Dealer Bond No. 691166 in the amount of \$41,000.00, issued on behalf of Wilhelm Grain, Inc., Humboldt: The bond was cancelled effective September 27, 2005.

GENERAL ADMINISTRATION

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

| | | |
|--------------------|----|----------|
| DAS-Communications | \$ | 3,801.51 |
| Kent Pribyl | | 500.73 |
| Anne Boyle | | 383.26 |

Upon agreement of all Commissioners present, authorization was granted for Commissioners to attend the National Association of Regulatory Utility Commissioners (NARUC) Annual Convention to be held in Palm Springs, California, from November 12-16, 2005.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Anne Boyle to attend the KMB Video Journal Conference to be held from September 26-28, 2005, in Tampa, Florida with all expenses to be paid by KMB Video Journal.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission went into closed session at 11:04 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to return to open session. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting. The Commission returned to open session at 11:08 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve sending a letter to the county attorney on a grain matter. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation on a personnel matter. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 11:09 a.m. with Commissioners Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner Boyle excused. The next regularly scheduled meeting will be held on October 4, 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 October 3, 2005.

Chairman

Executive Director