

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

#### GENERAL ADMINISTRATION

Notice was duly published November 14, 2005 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held November 22, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

#### COMMUNICATIONS DEPARTMENT

AD-325r In the Matter of Progressive Casualty Insurance Co., Mayfield Village, Ohio, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

AD-326r In the Matter of Progressive Casualty Insurance Co., Mayfield Village, Ohio, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

AD-327r In the Matter of Northland Group, Inc., Edina, Minnesota, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

AD-328r In the Matter of Williams & Fudge, Inc., Rock Hill, South Carolina, seeking authority to connect an automatic dialing-announcing device: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Jerry Vap, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3486 In the Matter of Claricom Networks, LLC, Oklahoma City, Oklahoma, seeking an Expedited Approval of the Transfer of Membership Interests and the Merger of Claricom Networks, LLC, and Matrix Telecom, Inc., Oklahoma City, Oklahoma: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

C-3487 In the Matter of Unite Communications Systems, Inc. (UCS), Kearney, Missouri, seeking to transfer local exchange authority and change its name to Unite Private Networks, LLC (UPN), Kearney, Missouri: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

C-3490 In the Matter of MCI, Inc., Ashburn, Virginia, seeking authority to transfer assets of MCI WorldCom Network Services, Inc., Ashburn, Virginia, to MCI WorldCom Communications Services, Inc., Ashburn, Virginia: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

C-3491 In the Matter of Winstar Communications, LLC, Newark, New Jersey, seeking a transfer of control with GVC Networks, LLC, Detroit, Michigan, previously granted in Application C-2658: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order withdrawing the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle 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. Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to approve the arbitrated interconnection agreement. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3492 In the Matter of Vanco Direct USA, LLC, Oak Brook, Illinois, seeking authority to operate as a resale carrier of intrastate interexchange and local exchange telecommunication services within the state of Nebraska: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

C-3493 In the Matter of Qwest Corporation, LLC, Denver, Colorado, seeking to amend a wireline interconnection agreement with Granite Telecommunications, LLC, Quincy, Massachusetts, previously granted in Docket C-3054: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

C-3494 In the Matter of Qwest Corporation LLC, Denver, Colorado, seeking to amend a wireline interconnection agreement with OrbitCom, Inc., Sioux Falls, South Dakota, previously granted in Docket C-3332: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

E-2089 In the Matter of Northwest Rural Public Power District, Hay Springs, seeking authority to operate and maintain an electric transmission line in Dawes County: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

W-010 In the Matter of Lakeland Estates Water Co., Blair, seeking authority to increase rates effective July 1, 2005: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Jerry Vap voting AYE, Commissioner Lowell Johnson Present Not Voting, and Commissioner Anne Boyle Excused Not Voting.

Gene Hand reported on the Intercarrier Compensation Workshop and the Staff Subcommittee on Telecommunications meetings held during the Annual National Association of Regulatory Utility Commissioners (NARUC) Convention held in Palm Springs, California, from November 12-16, 2005.

UNIVERSAL SERVICE FUND

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order dismissing the following complaints and removing the respondents from the hearing scheduled on December 6, 2005. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle Excused Not Voting.

NUSF-37.58 360 Networks (USA), Inc.  
NUSF-37.68 Sometown Telephone Company,  
NUSF-37.73 Virgin Mobile USA

E911 DEPARTMENT

E-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 Frank Landis, seconded by Commissioner Lowell Johnson, to  
enter an order requiring Commission staff to develop legislation to be  
introduced in 2006 requiring prepaid wireless carriers to collect and  
remit fees to the Enhanced Wireless 911 Fund. Motion passed with  
Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap  
voting AYE, and Commissioner Anne Boyle Excused Not Voting.

NATURAL GAS DEPARTMENT

NG-0004.1 In the Matter of Aquila, Inc., d/b/a Aquila Networks  
(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 order granting the application and to enter  
Assessment Order HSD-004. Motion passed with Commissioners Lowell  
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and  
Commissioner Anne Boyle Excused Not Voting.

NG-0031 In the Matter of Aquila, Inc., d/b/a Aquila Networks  
(Aquila), Omaha, seeking authority for Limited Cost  
Recovery in the State of Nebraska. Commissioner Landis presiding as  
Hearing Officer: Motion made by Commissioner Frank Landis, seconded  
by Commissioner Lowell Johnson, to enter Assessment Order HSD-003.  
Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank  
Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused  
not voting.

NATURAL GAS DEPARTMENT (Cont.)

NG-0012.1 In the Matter of the Public Alliance for Community Energy (ACE), seeking additional authority as a Competitive Natural Gas Provider to serve the entire state of Nebraska: Commissioner Landis was appointed as Hearing Officer.

NG-0029 In the Matter of the Commission, on its own motion, seeking to conduct periodic reviews of natural gas supply purchasing plans of jurisdictional utilities. Commissioner Landis presiding as Hearing Officer: Laura Demman discussed jurisdictional utility Natural Gas Purchasing Status Reports provided November 18, 2005.

LEGISLATIVE REPORT

Andy Pollock reported on the Legislative Interim Study Resolution Hearings (LRs 136, 143 and 144) held on November 18, 2005.

TRANSPORTATION DEPARTMENT

B-1668 In the Matter of Fairbury Taxi, LLC, dba Fairbury Taxi, Fairbury, seeking to acquire, through transfer, the authority granted to Yellow Cab & Limo, Inc. in Certificate B-1434, Supplement 1: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application and revoking Certificate B-1434, Supplement 1. Motion passed with Commissioners Lowell Johnson, Rod Johnson and Jerry Vap voting AYE, Commissioner Frank Landis present not voting, and Commissioner Anne Boyle excused not voting.

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 decreased to 50 cents per mile.

GRAIN WAREHOUSE DEPARTMENT

GW-19 In the Matter of Basso, McClure and Goeglein, LLP, Lincoln, seeking a measure-up of grain in the facilities of J. E. Meuret Grain Co., Inc., Brunswick, Atkinson, Creighton, and Orchard: Upon agreement of all Commissioners, authorization was granted to move forward with the requested exam, with necessary fees to be paid by the applicant.

GW-182 In the Matter of Haveman Grain Co., Inc., Murray: John Fecht discussed the shortage of corn.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

GD-2812 In the Matter of Sapp Bros. Petroleum, Inc., Omaha, seeking cancellation of its Grain Dealer License: The license was cancelled effective October 27, 2005.

GD-2847 In the Matter of Farmland Mutual Insurance Company, seeking cancellation of its Continuous Grain Dealer Bond BR-100297A in the amount of \$190,000.00, issued on behalf of Premier Grain Marketing, Inc., Sidney: The bond was cancelled effective November 4, 2005.

GENERAL ADMINISTRATION

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

Dept. of Corrections	\$ 740.00
Gene Hand	1,173.32
Andy Pollock	67.90
Andy Pollock	72.00
Jeff Pursley	1,065.56
Anne Boyle	1,085.24
Lowell Johnson	634.17
Rod Johnson	373.45
Rod Johnson	637.38
Gerald Vap	1,465.59

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	1,000.00
Alternative Hearing	2,138.25
Associated Hearing Health	126.00
B Hear Inc.	1,142.40
Beltone Hearing Aid Center	2,415.35
Dynavox Systems	999.00
Hamilton Telecommunications	429.85
Carl A. Johnson Jr.	2,352.85
K-D Communications	4,402.20
League of Human Dignity	1,270.40
Professional Hearing Aid Service	834.85
Sherard Hearing Aid Center	714.40
Teltex	337.60
Weitbrecht Communications	680.40
Western ENT Associates	457.95

GENERAL ADMINISTRATION (Cont.)

The following documents were paid between November 9 and November 21, 2005 and were ratified by the Commission:

DAS - Material - Office Supplies	\$ 710.47
DAS-Materiel-Printing	607.82
HHSS Finance & Support	798.74

Upon agreement of all Commissioners present, authorization was granted for Commissioners to attend the NARUC/NRRI Commissioners Only Summit to be held in San Antonio, Texas, from January 7-9, 2006 with hotel expenses to be paid by a stipend provided by NRRI.

Upon agreement of all Commissioners present, authorization was granted for Bob Bowman to travel to Clay Center, Kansas on November 21, 2005 to conduct a modular housing unit factory inspection at Wardcraft Homes, with all expenses, including time, to be reimbursed by Wardcraft Homes.

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There being no need to address any matters in closed session, the meeting adjourned at 10:34 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 November 29, 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 November 28, 2005.

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Chairman

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Executive Director