

Chairman Lowell Johnson called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. Chairman Johnson also invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

Chairman Lowell Johnson recognized Don Gray as the Public Service Commission's Employee of the Year.

GENERAL ADMINISTRATION

Notice was duly published August 8, 2006 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 15, 2006 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, August 15, 2006:

C-3559/ Commission Hearing Room, Lincoln.
DC-72 In the Matter of the Commission, on its own motion, seeking
1:30 compliance for the 2005 Annual Report filings. Commis-
sioner Boyle presiding as Hearing Officer.

911-020/ Commission Hearing Room, Lincoln.
DC-73 In the Matter of Jeffrey L. Pursley, Director, Nebraska
1:30 Telephone Infrastructure and Public Safety Department,
Complainant v. Budget Phone, Inc., d/b/a Budget PrePay;
BullsEye Telecom, Inc.; Excel; and Vartec Telecom, Inc.,
Respondent(s). Commissioner Vap presiding as Hearing
Officer.

COMMUNICATIONS DEPARTMENT

Commissioner Boyle stepped out of the Commission Hearing Room.

C-3614 In the Matter of Adventure Communication Technology, LLC,
Sioux City, Iowa, seeking authority to provide facilities-
based and resold local exchange and exchange access services within
the state of Nebraska: Motion made by Commissioner Jerry Vap,
seconded by Commissioner Frank Landis, 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.

Commissioner Boyle returned to the Commission Hearing Room.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3657 In the Matter of Electric Lightwave, LLC, Salt Lake City, Utah, seeking authority to operate under the doing business as name Integra Telecom in the state of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commission Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order approving the following applications C-3639 through C-3661. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3639 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with New Access Communications, LLC, Minneapolis, Minnesota, previously approved in C-2563.

C-3640 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with SBC Long Distance, Inc., f/k/a Southwestern Bell Communications Services, Dallas, Texas, previously approved in C-3284.

C-3641 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with Northstar Telecom, Inc., Fremont, previously approved in C-3290.

C-3642 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with Three River Communications, LLC, Lynch, previously approved in C-2895.

C-3643 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and Triennial Review Remand Order ("TRO/TRRO") amendment to an interconnection agreement with New Access Communications, LLC, Minneapolis, Minnesota, previously approved in C-2563.

C-3644 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with 360networks (USA)Inc., Seattle, Washington, previously approved in C-3601.

C-3645 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with NOS Communications, Inc., Las Vegas, Nevada, previously approved in C-2564.

COMMUNICATIONS DEPARTMENT (Cont.)

- C-3647 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with Metropolitan Telecommunications of Nebraska, Inc., New York, New York, previously approved in C-3538.
- C-3651 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Type 1 and Type 2 Paging Interconnection Service Agreement with Total Tele-Page of Nebraska, Inc., North Platte.
- C-3653 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and Triennial review Remand Order ("TRO/TRRO") amendment to the interconnection agreement with Comtel Telcom Assets, LP, d/b/a Excel Telecommunications ("Excel"), Carrollton, Texas, previously granted in C-2769.
- C-3655 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with Comtel Telcom Assets, LP, d/b/a VarTec Telecom ("VarTec"), Carrollton, Texas, previously approved in C-2649.
- C-3659 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and Triennial Review Remand Order ("TRO/TRRO") amendment to the interconnection agreement with TCG Omaha, Denver, Colorado, previously granted in C-3095.
- C-3661 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and Triennial Review Remand Order ("TRO/TRRO") amendment to the interconnection agreement with AT&T Communications of the Midwest, Inc., Denver, Colorado, previously granted in C-3095.
- C-2831/
NUSF-51/
PI-67 In the Matter of the Commission, on its own motion, seeking to investigate telecommunications infrastructure development in Nebraska: Gene Hand updated the Commission on the status of the docket and announced the call-in numbers for the workshop scheduled on August 22, 2006, at 2:30 p.m. in the Commission Hearing Room, Lincoln. Local callers can call 471-6000 and those calling long distance need to call 1-888-866-4213.
- C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Commissioner Rod Johnson presiding as Hearing Officer: Gene Hand discussed the NIEF Project Impact Reports from Box Butte, Cheyenne, and Dawes Counties.

COMMUNICATIONS DEPARTMENT (Cont.)

Gend Hand reported on the National Association of Regulatory Utility Commissioners (NARUC) conference held in San Francisco, California from July 27-August 2. His report included an explanation of current activities of a small group of states in reaction to the Missoula Intercarrier Compensation reform plan (Missoula Plan). Commissioner Anne Boyle expressed concern regarding aspects of the Missoula Plan.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.31 In the Matter of Scottsbluff County, Gering, seeking approval of recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving an amendment for funding of Scottsbluff County GIS data development. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

911-025/ In the Matter of the Commission, on its own motion, seeking PI-121 to obtain proper 911 call metrics data for use in assessing funding requests: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order opening the docket and seeking comments due on or before September 18, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Vap appointed Hearing Officer.

Jeff Pursley informed the Commission that the next Enhanced Wireless 911 Advisory Board Meeting is scheduled for September 15, 2006, at 10:30 a.m. at the Law Enforcement Training Center, 2025 Avenue A, 2nd Floor, Multipurpose Room, Kearney.

Buffalo County Sheriff and Buffalo/Kearney Counties PSAP Manager Neil Miller addressed the Commission regarding the use of call metrics data in approving E911 funding requests. The Commission discussed Sheriff Miller's comments. Jim Overcash also addressed the Commission on behalf of Windstream Communications.

NUSF-32.05 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of United States Cellular Operating Company of Greater Iowa to comply with Commission Orders and to impose administrative fines: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order dismissing the show cause complaint and canceling the hearing previously scheduled for August 15, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37.71 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Department, Complainant v. CIMCO Communications, Inc., Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order sustaining the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-37.86 In the Matter of Jeffrey L. Pursley, Director, Nebraska Universal Service Department, Complainant v. Globalcom, Inc., Respondent: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order sustaining the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-58 In the Matter of the Commission, on its own motion, seeking to require Access Point to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked and should not be assessed administrative penalties. Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an Order to Show Cause and schedule a hearing for September 26, 2006, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Rod Johnson was appointed Hearing Officer.

NUSF-51/
C-2831/
PI-67 In the Matter of Commission, on its own motion, seeking to investigate telecommunications infrastructure development in Nebraska: Under the Communications Department's agenda, Gene Hand informed the Commission that a telephone bridge had been established for the workshop scheduled for August 22, 2006 at 2:30 p.m. The calling bridge numbers are as follows:
Local: 471-6000 and Long Distance: 1-888-866-4213.

NATURAL GAS DEPARTMENT

Laura Demman reported on the Northern Natural Gas installation of a compressor unit in Palmyra. Northern Natural Gas is sponsoring an open house for interested persons on August 17, 2006, at 7:00 p.m. at the Palmyra Activity Center, Palmyra.

Laura Demman reported on the formation and purposes of Nebraska Energy Assistance Network.

Commissioner Vap stepped out of the Commission Hearing Room.

TRANSPORTATION DEPARTMENT

B-1672 In the Matter of James Leon Dickinson, d/b/a Your Own Limousine, seeking authority to transport passengers and their baggage by limousine between points in Lancaster, Seward, and Platte counties, and between points in said counties, on the one hand, and on the other hand, points in Nebraska over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order denying the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson and Frank Landis voting AYE, Commissioner Anne Boyle present not voting, and Commissioner Jerry Vap excused not voting.

B-1688 In the Matter of Darin P. VanNatter, d/b/a Prestige Limo, Sidney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points in Cheyenne County, and between points in said county, on the one hand, and, on the other hand, points in Nebraska over irregular routes. All trips will originate and terminate in Cheyenne County: A video hearing was scheduled for October 5, 2006, at 10:30 a.m. CT and 9:30 a.m. MT in the Commission Library, Lincoln and the Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff. Commissioner Vap was appointed Hearing Officer.

Rate Division

BR-318 In the Matter of Stella's Counseling Service, Lincoln, seeking authority to establish rates and charges for its use: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Frank Landis voting AYE, and Commissioner Jerry Vap 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 decreased to 86 cents.

GRAIN WAREHOUSE DEPARTMENT

Grain Dealer Division

GD-2910 In the Matter of Superior Feed Ingredients, LLC, Mound Minnesota, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2007: 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 and Frank Landis voting AYE, and Commissioner Jerry Vap excused not voting.

GENERAL ADMINISTRATION

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

Thomson West	\$	573.92
Voyager		1,398.76
Laura Demman		845.14
Anne Boyle		1,268.32

Commissioner Vap returned to the Commission Hearing Room.

In the Matter of an agreement with the Attorney General for services of an Assistant Attorney General: The Commission recessed at 11:13 a.m. for five minutes during discussion of this item. Discussion resumed at 11:22 a.m. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the agreement for services of an Assistant Attorney General, subject to removal of the provision that requires payment of litigation costs and expenses. Commissioner Boyle discussed her opposition to entering the agreement. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to change the Commission meeting scheduled for September 6, 2006, to begin at 9:00 a.m. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

John Burvainis lead a discussion on the 2007-09 proposed budget.

Andy Pollock discussed renovation plans with the Commission.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve personnel changes relating to the transition from the Wireless E911 Department to the Nebraska Telecommunications Infrastructure and Public Safety Department. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Andy Pollock discussed employee job performance evaluations with the Commission.

The meeting adjourned at 12:16 p.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on August 22, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 21, 2006.

Chairman

Executive Director