

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

GENERAL ADMINISTRATION

Notice was duly published October 17, 2006 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held October 24, 2006 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

COMMUNICATIONS DEPARTMENT

AD-359r In the Matter of National Enterprise Systems, Inc., Solon, Ohio, seeking authority to register and connect an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, 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, and Commissioner Rod Johnson excused not voting.

AD-360r In the Matter of National Enterprise Systems, Inc., Solon, Ohio, seeking authority to register and connect an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, 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, and Commissioner Rod Johnson excused not voting.

AD-361r In the Matter of McClurg for Regent Committee, Lincoln, seeking authority to register and connect an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, 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, and Commissioner Rod Johnson excused not voting.

C-3687 In the Matter of Acceris Management and Acquisition, LLC, San Diego, California, seeking a transfer of assets to First Communications, LLC, Akron, Ohio: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

WT Docket 06-150 In the Matter of service rules for the 698-746, 747-762 and 777-792 MHz Bands, Revision of the Commission's Rules to CC Docket 94-102 ensure compatibility with Enhanced 911 Emergency Calling Systems and Section 68.4(a) of the Commission's Rules governing hearing aid-compatible telephones: Motion made WT Docket 01-309 by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to ratify reply comments filed on October 20, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

CC 01-92 In the Matter of the comments drafted for filing with the Federal Communications Commission (FCC) regarding the Missoula Comprehensive Intercarrier Compensation Reform Plan: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve joint comments as modified, per direction of Commissioner Boyle. If the additional signatories don't agree with the changes to the draft comments, Nebraska will file its own comments on the Missoula Plan. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

C-3685 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") Amendment to an interconnection agreement with Qwest Communications Corporation, Denver, Colorado, previously approved in Docket C-3286: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Gene Hand informed the Commission of the 811 Summit sponsored by the Common Ground Alliance to be held on November 17, 2006, in Omaha.

Gene Hand reported on the Regional Oversight Committee (ROC) meeting held October 17 and 18, 2006, in Rapid City, South Dakota.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-011/
PI-79 In the Matter of the Commission, on its own motion, seeking to establish Phase II Enhanced Wireless 911 service implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the application of vendors of choice. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Motion made by Commissioner Vap, seconded by Commissioner Landis, to enter an order approving the request for GIS funding on dockets 911-023.20 through 911-023.30. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

911-023.20 In the Matter of Furnas County, Beaver City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.27 In the Matter of Platte County, Public Safety Answering Point, Columbus, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

911-023.30 In the Matter of Box Butte County, Public Safety Answering Point, Alliance, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Jeff Pursley discussed the Wireless E911 Advisory Board's recommendation to fund the replacement of PSAP's Motorola Centralink equipment. Upon agreement of all Commissioners present, authorization was granted for Mr. Pursley to prepare a letter to PSAPs to obtain and submit replacement costs of the ANI/ALI controllers.

NUSF-4 In the Matter of the Commission, on its own motion, seeking
NUSF-50 to determine the level of the fund necessary to carry out
the Nebraska Telecommunications Universal Service Fund Act,
and, In the Matter of the Commission, on its own motion, seeking to
make adjustments to the universal service fund mechanism established
in NUSF-26. Commissioner Landis presiding as Hearing Officer: Jeff
Pursley reported that a call-in number has been established for the
NUSF-4/NUSF-50 pre-hearing conference on October 31, 2006 at 1:30 p.m.
The number is 1-866-459-9589 and the code is #6512220951. Jeff
Pursley also discussed the Hearing Officer's order that was entered on
October 20, 2006.

Gene Hand discussed the draft that has been prepared of the Missoula Plan Comments under the Communication's agenda.

Jeff Pursley reported on the NUSF Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to open complaints against TON Services, Inc. and Touch 1 Communications, Inc., levy a late-fee against Movida Communications, grant a one-time waiver to Opcom, Inc. d/b/a/WCS Telecom for the May, 2006 through August, 2006 late-filed worksheets and that complaints NUSF-37.102 against BullsEye Telecom, Inc. and NUSF-37.104 against Talk America, Inc. be waived due to receipt of worksheets on September 15, 2006, per the UPS tracking receipt. Motion passed with Commissioners Boyle, Lowell Johnson, Landis and Vap voting AYE, and Commissioner Rod Johnson excused not voting.

NATURAL GAS DEPARTMENT

NG-0036 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, seeking approval of a general rate increase. Commissioner Vap presiding a Hearing Officer: Laura Demman reported on hearings scheduled that will be identified when a Hearing Officer order is issued setting hearing dates and procedures.

P-0013.2 In the Matter of Metropolitan Utilities District of Omaha, Omaha, providing notice required by *Neb. Rev. Stat. Section 57-1306*, as amended, that it intends to extend or enlarge its service area or extend a gas main: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

TRANSPORTATION DEPARTMENT

M-14130 In the Matter of Columbus Moving and Storage, Inc., Columbus, seeking revocation and cancellation of the common carrier authority in Certificate M-14130: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order revoking the authority in Certificate M-14130. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

Rate Division

BR-319 In the Matter of R & F Hobbies, Inc., d/b/a Prince of the Road, Ravenna, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to remove the application from the table as placed on September 6, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting. Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application as modified on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Rod Johnson 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 56 cents per mile.

Commissioner Landis exited the Commission Hearing Room.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich reported that the department would temporarily suspend the recreational vehicle plan review agreement with Ted Burkey because factory built home production is down and that work will be assigned to Bob Bowman until housing production increases.

Mark Luttich reported that he and Steve Rowell participated in the annual Housing and Urban Development (HUD) conference call to review the department's manufactured home plan review capabilities. HUD will provide the Commission with their findings, recommendations and rating.

Mark Luttich reported on a telephone call he received from Senator Ray Janssen's office seeking information on Resolution 357, installation regulations for manufactured and modular homes. The cause for the resolution centers upon two modular housing unit complaints in Senator Janssen's district.

GENERAL ADMINISTRATION

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

Attorney General	\$ 2,721.87
HHS Finance and Support	703.20
Larry Fauss	980.00
Lowell Johnson	478.27
Frank Landis	52.52
Gerald Vap	946.96

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM:

Alternative Hearing	1,615.00
Associated Hearing Health Care	1,042.05
B Hear, Inc.	1,114.25
Grand Island Hearing Aid Center	525.69
Harris Communications	222.45
Hearing Aid Specialists Inc.	480.90
Carl A. Johnson Junior	204.65
Johnson Hearing Aid Service, Inc.	246.27
Larry Kent & Associates	469.65
League of Human Dignity, Inc.	429.00
Sherard Hearing Aid Center	332.40
Thomas J. Tambling	330.00
Teltex	279.90
Weitbrecht Communications	406.50
Western Ent. Associates	8,088.51

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted for Commissioner Rod Johnson to travel to and attend the Western Telecommunications Alliance Conference to be held in Phoenix, Arizona from November 4-9, 2006.

Upon agreement of all Commissioners present, authorization was granted for Gene Hand and Jeff Pursley to travel to and attend the Missoula Plan meeting to be held in Washington, DC from October 31-November 1, 2006.

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

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter into closed session for the purpose of protecting the public interest and discuss pending litigation, to wit, the writ of mandamus action filed by Marvel Jones against the Public Service Commission in the Nebraska Supreme Court. Motion passed with Commissioners Anne Boyle, Lowell Johnson and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting. After vote on the motion, Chairman Lowell Johnson restated the limitation of the subject matter of the closed session, to wit, discussion of the writ of mandamus action filed by Marvel Jones against the Public Service Commission in the Nebraska Supreme Court. The Commission went into closed session at 10:40 a.m.

Nichole Underhill reported on the Writ of Mandamus action filed by Marvel Jones against Nebraska Public Service Commission.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting. The Commission returned to open session at 10:45 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to consider and accept the letter of resignation from a Communications Department staff person. Motion passed with Commissioners Anne Boyle, Lowell Johnson and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to grant authorization to hire an Administrative Assistant in the Communications Department to replace employee who has resigned. Motion passed with Commissioners Anne Boyle, Lowell Johnson and Jerry Vap voting AYE, and Commissioners Rod Johnson and Frank Landis excused not voting.

The meeting adjourned at 10:53 a.m. with Commissioners Boyle, Lowell Johnson, and Vap present and Commissioner Rod Johnson and Landis excused. The next regularly scheduled meeting will be held on October 31, 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 October 30, 2006.

Chairman

Executive Director