

Chair Boyle called the regularly scheduled meeting to order at 10:07 a.m. with Commissioners Boyle, Landis and Vap present and Commissioners Lowell Johnson and Rod Johnson excused.

GENERAL ADMINISTRATION

Notice was duly published April 15, 2003, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held April 22, 2003, 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, April 22, 2003:

FC-1311 Video Hearing. Commission Library, Lincoln; and Panhandle Learning Center, High Plains Room, 4502 Avenue I, Scottsbluff. Business Telephones, Inc., Scottsbluff, vs. Sprint Corporation, alleging unfair business practices. Commissioner Vap chairing.

Monday, April 28, 2003:

1:30 Commission Library, Lincoln.
Nebraska Universal Service Fund Advisory Board Meeting.

COMMUNICATIONS DEPARTMENT

C-2780 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado: Upon agreement of all Commissioners present, an interconnection agreement was approved as modified.

C-2869 In the Matter of Better World Telecom, Inc., Reston, Virginia, seeking authority for a Certificate of Public Convenience and Necessity to provide intrastate interexchange telecommunications services within the state of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2883 In the Matter VP Telecom, Inc., Sioux Falls, South Dakota, seeking to amend Certificates C-2756 and C-2776 by changing its name to OrbitCom, Inc.: Upon agreement of all Commissioners present, the application was granted.

C-2891 In the Matter of Sonix4u, Madison Heights, Michigan, seeking to withdraw the certificate of authority granted in Application C-2587 and associated tariffs: Upon agreement of all Commissioners present, the application was granted.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2892 In the Matter of Nebraska Technology & Telecommunications, Inc., Omaha, seeking to amend and expand its certificate of authority granted in Application C-1523 so as to extend local exchange service authority statewide: Upon agreement of all Commissioners present, the application was granted.

C-2893 In the Matter of Dancriis Telecom, LLC, Scottsdale, Arizona, seeking authority to operate as a resale carrier of intra-state interLATA and intraLATA telecommunications services and operator services within the State of Nebraska: Upon agreement of all Commissioners present, the application was granted.

C-2920/ In the Matter of the Commission, on its own motion, seeking
PI-72 to investigate interconnection options and procedures between Incumbent Local Exchange Carriers (ILECs) and Commercial Mobile Radio Service (CMRS) carriers: Upon agreement of all Commissioners present, an order was entered to open the docket and seek comments on or before May 23, 2003.

C-2738/ In the Matter of the Commission, on its own motion, seeking
PI-58 to conduct an investigation into rates, terms and conditions for wireless terminating traffic: Upon agreement of all Commissioners present, in consideration of the pending motion, the deadline to commence wireless negotiations was extended until the Commission rules on the pending motion.

C-2925 In the Matter of the Petition for Declaratory Ruling of Lincoln Electric System, Lincoln, seeking a determination that Title 291, Chapter 5, Telecommunications Rules and Regulations, Sections 001, 002 and 003, as amended and enacted March 31, 2003, governing telecommunications contract carriers, shall not be applied retroactively to the application of Lincoln Electric System for Contract Carrier Permit Authority (Application C-2910) filed March 27, 2003: Gene Hand informed the Commission that the matter was published.

C-2872 In the Matter of Great Plains Communications, Inc., Blair, seeking arbitration to resolve issues relating to an interconnection agreement with WWC License L.L.C., Issaquah, Washington: Chris Post discussed a motion filed by Great Plains Communications to amend the scope of the arbitration.

SC-004 In the Matter of Maurice Gene Hand, Director, Communications Department, Nebraska Public Service Commission, vs. Lightyear Communications, Respondent: Gene Hand informed the Commission that the response of Lightyear Communications, Inc. was received on April 14, 2003. A hearing was set for June 25, 2003, at 2:00 p.m. CDT in the Commission Hearing Room, Lincoln.

COMMUNICATIONS DEPARTMENT (Cont.)

Engineering Department

E-1993 In the Matter of Loup River Public Power District, Colum-
E-1994 bus, seeking authority to construct, operate and maintain
E-1996 electric transmission lines in Nance County: Upon agreement
 of all Commissioners present, applications were granted.

E-1995 In the Matter of Norris Public Power District, Beatrice,
 seeking authority to construct, operate and maintain an
electric transmission line in Lancaster County: Upon agreement of all
Commissioners present, the application was granted.

UNIVERSAL SERVICE FUND

NUSF-32 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: Upon agreement of
all Commissioners present, an order was entered assessing Touch
America a penalty for failure to comply with NUSF-1, Progression Order
#7. The hearing previously set for May 13, 2003, was cancelled. Upon
agreement of all Commissioners present, a Show Cause order was entered
against NPCR, Inc., d/b/a Nextel or Nextel Partners, for its failure
to comply with NUSF-1, Progression Order #7. A hearing was set for
May 28, 2003 at 2:00 p.m. in the Commission Hearing Room, Lincoln.

 The Nebraska Universal Service Advisory Board will meet on
April 28, 2003 at 1:30 p.m. in the Commission Library, Lincoln.

 Jeff Pursley distributed information on from the SURFA
meeting he attended on April 10-11, 2003, in Washington, DC.

NUSF-32 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: Jeff Pursley re-
ported on what companies have remitted their audit fines.

NUSF-34 In the Matter of the Commission, on its own motion, seek-
 ing to conduct an inquiry into the failure to accurately
report information as set forth in Commission rules and regulations
and Commission orders: Jeff Pursley discussed the information
gathered from the true-up data requests.

NUSF-36 In the Matter of Allo Communications, LLC requesting
 universal service support for supported services provided
in Qwest exchanges: Jeff Pursley reported that Allo Communications
has made application for ETC status to receive universal service
support.

UNIVERSAL SERVICE FUND (Cont.)

Jeff Pursley reported that the letter regarding late handling fees of NUSF surcharge payments had been sent to all carriers currently in the NUSF data base.

Jeff Pursley reported on the percentages of telephone penetration for the period of March, 2000, through November, 2002.

Jeff Pursley reviewed the revised forms for the Lifeline/Link-up Program.

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 progression of the permanent universal service mechanism. He also discussed the need for a telephone bridge regarding the Pre-Hearing Conference set for May 22, 2003, in the Commission Hearing Room.

LEGISLATIVE REPORT

Other States: The Missouri House of Representatives voted last week to deregulate high-speed Internet services. Under the bill, the Missouri PSC could not require SBC to open up its broadband network to competitors. State regulators opposed the bill.

Wireless: The District of Columbia local government proposed taking \$2 million from its wireless E911 fund to help cover a citywide budget shortfall.

Bankruptcy: Leap Wireless, the parent company of Cricket Communications, has filed for Chapter 11 bankruptcy to reorganize and restructure debt. Cricket customers have received cards in the mail assuring them that the bankruptcy filing would not affect their phone service.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich discussed the Commission/department response to HUD's Federal Register Notice of Proposed Rulemaking regarding manufactured home installations.

TRANSPORTATION DEPARTMENT

B-1415 In the Matter of Rodney D. Oberle, dba Park Avenue Limousines, Vermillion, South Dakota: Upon agreement of all Commissioners present, the Order to Show Cause was sustained and authority revoked.

TRANSPORTATION DEPARTMENT (Cont.)

MCC-3150 In the Matter of Andy S. Pollock, Motor Transportation Director, Nebraska Public Service Commission, Lincoln, vs. Island Limousine Service, Limo de Luxe, Royal Flush Coach Service, Al's Hauling & Moving Co., Chief Transfer & Storage, Inc. and Murphy Moving: Upon agreement of all Commissioners present, the Order to Show Cause was sustained in part and dismissed in part.

B-1610 In the Matter of J. M. Wolfies, Inc., North Platte, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxicab over irregular routes between points in North Platte and between points in North Platte and points in Nebraska. To include the clients of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The hearing previously set for April 10, 2003, was continued to July 9, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Vap will preside as Hearing Officer.

B-1613 In the Matter of Rick Holloway, dba Taxi Specialties of Lexington, Lexington, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by taxicab between points in Lexington and points in Nebraska by sedans, vans and handicap vans. To include the clients of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: The video hearing previously set for May 1, 2003, was rescheduled for April 29, 2003, at 1:00 p.m. in the Commission Library, Lincoln, and Kearney Public Library and Information Center, 2nd Floor, 2020 First Avenue, Kearney. Commissioner Vap will preside as Hearing Officer.

B-1620 In the Matter of Kochkammerer Enterprises, Inc., dba Safeway Cabs, Omaha, seeking to acquire, through transfer, the authority granted to Safeway Cabs, Inc. in Certificate B-287: A hearing was set for July 2, 2003, at 10:00 a.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle will preside as Hearing Officer.

Rate Division

LR-238 In the Matter of Alford Oil Company, dba VIP Limousine, Omaha, seeking authority to amend its limousine rates by increasing its existing rates an average of 3.24%, establishing rates for classic and other exotic vehicles, and off-peak rates: Upon agreement of all Commissioners present, the application was granted.

MR-1010 In the Matter of National Motor Freight Traffic Association, Inc., Alexandria, Virginia, agent for and on behalf of participating carriers, seeking authority to place in effect on Nebraska intrastate traffic the provisions of Supplement 3 to the National Motor Freight Classification, NMF 100-AC: Upon agreement of all Commissioners present, the application was granted.

TRANSPORTATION DEPARTMENT (Cont.)

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at 16 cents per mile and the taxi surcharge was retained at 20 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Communications	\$ 2,779.37
DAS - Communications	2,843.46
DAS - IMServices	311.53
DAS - IMServices	304.40
DAS - Materiel - Office Supplies	449.75
DAS - Materiel-Office Supplies	670.05
DAS - Transportation Services Bureau	512.07
DAS - Transportation Services Bureau	520.19
Department of Roads	379.75
Department of Roads	331.66
The Daily Record	414.25
Dell Marketing L.P.	10,118.16
Hamilton Telecommunications	83,633.03

Upon agreement of all Commissioners present, authorization was granted for Mark Luttich to travel to Council Bluffs, Iowa, on May 15, 2003, to attend the Nebraska Manufactured Home Association Annual Meeting.

The Commission discussed budget items.

Upon agreement of all Commissioners present, the Commission went into closed session at 11:40 a.m. to discuss personnel issues and returned to open session at 11:45 a.m.

The meeting adjourned at 11:46 a.m. with Commissioners Boyle, Landis and Vap present and Commissioners Lowell Johnson and Rod Johnson excused. The next regularly scheduled meeting will be held on April 29, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on April 28 , 2003.

Chair

Deputy Director