

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-5022  
of Kevin Rainforth, Doniphan )  
seeking authority to receive )  
advanced telecommunications ) MOTION DENIED  
service from the Doniphan )  
Exchange of Hamilton Telephone )  
Company. ) Entered: June 11, 2019

BY THE COMMISSION:

By Application filed December 13, 2018 Kevin Rainforth, Doniphan, Nebraska, sought authority to receive advanced telecommunications service from the Doniphan Exchange of Hamilton Telephone Company (Hamilton) rather than from the Hansen Exchange served by Windstream Nebraska, Inc. (Windstream). Notice of the Application appeared in The Daily Record, Omaha, Nebraska, on December 17, 2018.

O P I N I O N   A N D   F I N D I N G S

By Application filed November 30, 2018, Eugene Griess of Sutton, Nebraska, sought authority to receive advanced telecommunications service from the Aurora exchange of Hamilton Telephone Company (Hamilton) rather than from the Sutton Exchange served by Windstream Nebraska, Inc. (Windstream). Notice of the Application appeared in The Daily Record, Omaha, Nebraska, on December 17, 2018.

On February 25, 2019, Windstream filed a letter stating that it did not consent to the boundary change. Pursuant to Neb. Rev. Stat. § 86-135, the Commission held a hearing on April 24, 2019 at the Doniphan Event Center, 103 W Pine Street, Doniphan, Nebraska 68832. The application, response, publication, and hearing notice were made part of the record by the Commission. Mary Jacobson appeared on behalf of Windstream. Pat Shaw testified on behalf of Hamilton, but was not represented by counsel. Shana Knutson appeared on behalf of Commission staff.

On May 21, 2019, the Commission entered an order granting the application. On May 29, 2019, Windstream filed a Motion for Rehearing.<sup>1</sup> Windstream stated in its motion that it seeks rehearing based on the grounds of substantive errors made in consideration of the applications.

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<sup>1</sup> We note that the Commission Rules of Procedure were extensively revised and updated. Those revisions were adopted on March 26, 2019 and were effective as of April 21, 2019. We consider this a request filed pursuant to Title 291 Neb. Admin. Code Chapter 1, § 002.16.

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Upon consideration of the Windstream's Motion, the Commission finds no persuasive basis was given to convince the Commission to grant reconsideration in this matter. Accordingly, the Commission is of the opinion and finds that said Motion should be denied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Rehearing filed by Windstream Communications, Inc., on May 29, 2019 be, and it is hereby, denied.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 11th day of June, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Crystal Knodes*

Chair

*Mary Redder*

*Paul Jensen*

*Tim Schram*

*Don Wassmire*

ATTEST:

*Phil H. S.*

Executive Director