

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application    ) Application No. C-5035  
of Levi Ochsner, Sutton seeking    )  
authority to receive advanced        )  
telecommunications service from    ) MOTION FOR REHEARING DENIED  
the Stockham Exchange of            )  
Hamilton Telephone Company.        )  
  ) Entered: June 11, 2019

BY THE COMMISSION:

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

By Application filed January 24, 2019, Levi Ochsner, Sutton, Nebraska, sought authority to receive advanced telecommunications service from the Stockham 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 January 28, 2019.

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.

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.

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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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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 Knoder*

*Mary Riddes*  
Chair

*Reg Jackson*

ATTEST:

*Michelle H. S.*

Executive Director

*Kim Schram*  
*Don Williams*