# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Clarks	) Application No. C-5064
Telecommunications Company,	)
Clarks, seeking a waiver of the	
requirement of 291 Neb. Admin.	) ORDER GRANTING APPLICATION
Code § 5-002.06 regarding public	
pay stations.	
	) Entered: August 6, 2019

#### BY THE COMMISSION:

On July 1, 2019, the Nebraska Public Service Commission ("Commission") received an application from Clarks Telecommunications Company ("Clarks"), Clarks, Nebraska, seeking a waiver of the requirement contained in 291 Neb. Admin. Code § 5-002.06 of the Commission's Rules and Regulations regarding public pay stations. Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 5, 2019. No protests were filed to the waiver sought; therefore, this docket is processed pursuant to the Commission's rule of modified procedure.

## OPINION AND FINDINGS

Clarks is a local exchange carrier holding a certificate of public convenience and necessity to provide local exchange service in the State of Nebraska. The Commission's regulations at 291 Neb. Admin. Code § 5-002.06 state:

In each municipality served by an exchange carrier where public convenience requires it, the exchange carrier shall supply at least one public pay station that will be available to the public on a 24-hour basis. The requirement for this facility may be waived by the Commission for reasons such as: abusive vandalism or damage, excessive maintaining the pay station, or lack of use.

In its application, Clarks seeks a waiver of the Commission's rule to maintain a public pay station in its service territories, that being the communities of Clarks, Ulysses, and Staplehurst.

Clarks states the Commission should grant the requested waiver because of 1) low usage and 2) excessive cost. Clarks has a total of three public pay stations. Each of these stations have

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had no dialed called usage since 2016 or before. No "in-box" coin collections have been made from these phones. Clarks provided a confidential summary of the maintenance costs for each of the phones, demonstrating that each pay station is costly to maintain.

Upon consideration of the waiver request, the Commission is of the opinion and finds that in light of the reasons cited by Clarks, including lack of use and excessive cost, the requested waiver is reasonable and should be granted.

## ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the waiver of 291 Neb. Admin. Code § 5-002.06 sought by Clarks Telecommunications Company shall be, and is hereby, granted.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day of August, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director