

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

| | | |
|------------------------------------|---|----------------------------|
| In the Matter of the Application |) | Application No. C-5088 |
| of Robert and Sharon Barjenbruch; |) | |
| Jeffrey and Lisa Bessmer; Dean and |) | |
| Judy Bohn; Jay and Liane Connelly; |) | |
| Thomas and Necole Cook; Jon |) | |
| Erickson; Timothy and Tammy |) | |
| Ferguson; Fore-Quarters Feedlot, |) | |
| LLC; Josh and Paula Freudenburg; |) | |
| Derek and Katie Fryer; John and |) | |
| Donna Gall; Dan and Sandy Goeken; |) | |
| Jon and Sandra Goode; Leon and |) | |
| Pamela Handke; Kenneth Kollath; |) | ORDER APPROVING SETTLEMENT |
| Natural Concrete/JVK Inc.; Mathew |) | AGREEMENT AND BOUNDARY |
| and June Phillips; Tim and Kim |) | CHANGES |
| Puntney; Mark and Lisa Rumsey; |) | |
| Dale Schwede; Laverne Strasheim; |) | |
| Tina Thomsen; Tom Thomsen; Brent |) | |
| and Rachel Tietz; Randy and Lisa |) | |
| Walters; Kenneth and Patricia Ann |) | |
| Weander; Preston and Jenna Witt; |) | |
| Arlist Manzer White; and Stanton |) | |
| Telecom, Inc., Stanton County, |) | |
| Nebraska seeking authority to |) | |
| receive advanced telecommunica- |) | |
| tions service from the Stanton |) | |
| Exchange of Stanton Telecom, Inc. |) | |
| |) | |
| In the Matter of the Application |) | Application No. C-5097 |
| of Shane and Nicole Bernhardt; and |) | |
| Stanton Telecom, Inc. (Stanton |) | |
| County, Nebraska) seeking |) | |
| authority to receive advanced |) | |
| telecommunications service from |) | |
| the Stanton Exchange of Stanton |) | |
| Telecom, Inc. |) | |
| |) | |
| In the Matter of the Application |) | Application No. C-5138 |
| of James Jr. and Kerry Crilly, |) | |
| Barbara Jackson, Joel Johnson, Bob |) | |
| Kuehn, Jon Langenberg, Brandley |) | |
| and Kristina Mack, Donald and |) | |
| Janiece Novotny, David Pint, Kirk |) | |
| and Carin Van Pelt, Terry Vogel, |) | |
| Duane Wolff, Jay Wolff, Green |) | |
| Fiber and Stanton Telecom, Inc. |) | |
| (Stanton County, Nebraska) seeking |) | |
| authority to receive advanced |) | |
| telecommunications service from |) | |
| the Stanton Exchange of Stanton |) | |
| Telecom, Inc. |) | Entered: July 28, 2020 |

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BY THE COMMISSION:

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

By application filed November 27, 2019, Robert and Sharon Barjenbruch; Jeffrey and Lisa Bessmer; Dean and Judy Bohn; Jay and Liane Connelly; Thomas and Necole Cook; Jon Erickson; Timothy and Tammy Ferguson; Fore-Quarters Feedlot, LLC; Josh and Paula Freudenburg; Derek and Katie Fryer; John and Donna Gall; Dan and Sandy Goeken; Jon and Sandra Goode; Leon and Pamela Handke; Kenneth Kollath; Natural Concrete/JVK Inc.; Mathew and June Phillips; Tim and Kim Puntney; Mark and Lisa Rumsey; Dale Schwede; Laverne Strasheim; Tina Thomsen; Tom Thomsen; Brent and Rachel Tietz; Randy and Lisa Walters; Kenneth and Patricia Ann Weander; Preston and Jenna Witt; Arlist Manzer White; and Stanton Telecom, Inc., Stanton County, Nebraska (the "Initial Applicants") sought authority to receive advanced telecommunications service from the Stanton Exchange of Stanton Telecom, Inc. rather than the Norfolk Exchange of Qwest Corporation d/b/a CenturyLink QC ("CenturyLink"). Notice of the application appeared in The Daily Record, Omaha, on December 5, 2019. Stanton filed a letter with the Commission stating it consented to the application. On December 16, 2019, CenturyLink filed a notice that it did not consent to the application.

A Planning Conference was held on January 27, 2020. On April 14, 2020, a second Planning Conference was held. A hearing date was scheduled for June 10, 2020 in Stanton, Nebraska.

By Application filed February 2, 2020, Shane and Nicole Bernhardt (the "Bernhardts") sought authority to receive advanced telecommunications service from the Stanton Exchange of Stanton Telecom, Inc. Notice of the application appeared in The Daily Record, Omaha, Nebraska on February 11, 2020.

By Application filed June 5, 2020, James Jr. and Kerry Crilly, Barbara Jackson, Joel Johnson, Bob Kuehn, Jon Langenberg, Brandley and Kristina Mack, Donald and Janiece Novotny, David Pint, Kirk and Carin Van Pelt, Terry Vogel, Duane Wolff, Jay Wolff, and Green Fiber (the "Consent Applicants") sought authority to receive advanced telecommunications service from the Stanton Exchange of Stanton Telecom, Inc. Notice of the application appeared in The Daily Record, Omaha, Nebraska on June 10, 2020.

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Initial Applicants, the Bernhardts, the Consent Applicants and CenturyLink (collectively the "Stipulating Parties") filed a stipulated agreement to settle all disputes, claims and issues arising out of or related to the three above-captioned applications. As part of the agreement CenturyLink agreed to withdraw its December 13, 2019 Notice of Non-Consent filed in C-5008 and consented to Applications C-5097 and C-5138. The Stipulating Parties submitted a boundary change map to the Commission. It was attached to the stipulated agreement as Appendix A. All locations within the shaded area shown on the boundary change map will become part of Stanton's local exchange area as defined in Neb. Rev. Stat. § 86-115.

The Stipulating Parties agreed to an implementation schedule which was contained within the agreement. Stanton acknowledged that it will be the carrier of last resort of the Initial Applicants, the Bernhardts, and the Consent Applicants and all other areas within the boundary change map upon completion of construction or June 1, 2021, whichever occurs first. Stanton agreed to compensate CenturyLink in accordance with Neb. Rev. Stat. § 86-136 in the amount set forth in the agreement.

The Stipulating Parties stated that the agreement was entered into for the purpose of allowing the parties to avoid further contested case proceedings. The parties stated the agreement does not constitute an admission by any Stipulating Party that either party does or does not provide any advanced telecommunications capability services at the locations listed in the initial and amended applications. A copy of the two exchange maps with the agreed upon revisions is attached as Attachment "1" to this Order and hereby incorporated by reference.

Based upon the information in the record, and in light of the consent among the parties involved, the Commission finds that the stipulated agreement should be approved. The Commission further finds the boundary changes requested as depicted in Appendix A to the settlement agreement is in the public interest and should be approved. It is the expectation of the Commission that the two carriers involved in the boundary change shall collaborate in good faith to ensure that the transition of the customer's service from one carrier to the other shall be as seamless as possible.

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O R D E R





IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulated agreement filed in this matter be and it is hereby approved.

IT IS FURTHER ORDERED that the boundaries as shown in Attachment "1" to this Order be, and are hereby made, the official boundaries of Qwest Corporation d/b/a CenturyLink QC and Stanton Telecom, Inc.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 28th day of July, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chair

ATTEST:



Executive Director

Attachment 1 (1 of 2)

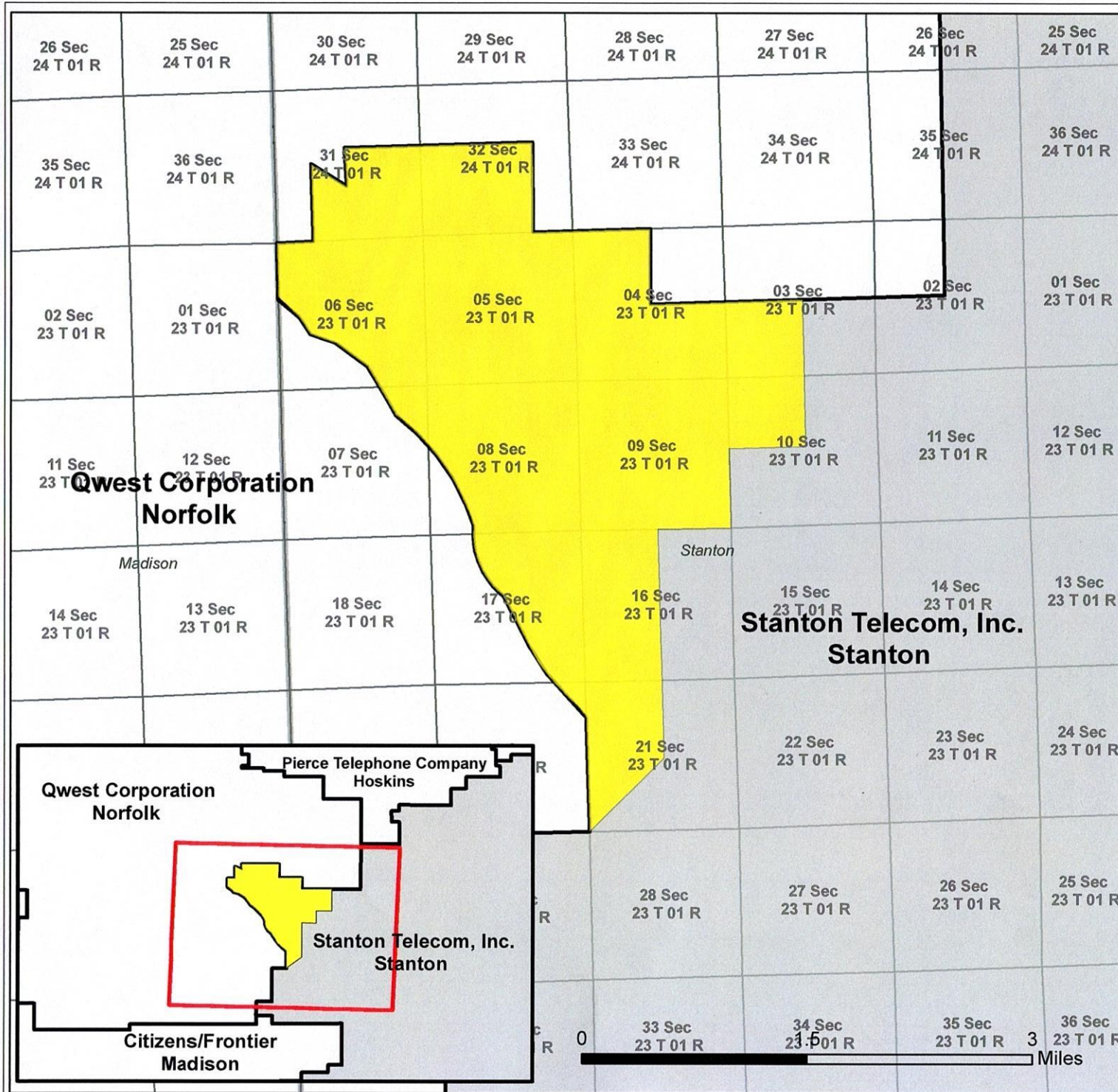
Stanton Telecom, Inc. Stanton Exchange

- Areas of Change - C-5088, C-5097, C-5138
- New Stanton Boundary
- New Exchange Boundaries
- County Boundaries



Doc. Name: 200204_Shane_Nicole_Bernhardt_BC_
Prepared by: NE PSC - Telecommunications

Date: 7/15/2020



Attachment 1 (2 of 2)

Qwest Corporation Norfolk Exchange

- Areas of Change - C-5088, C-5097, C-5138
- New Norfolk Boundary
- New Exchange Boundaries
- County Boundaries



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