

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
Nebraska Telephone Association,)
Lincoln, Nebraska, for the adoption)
of a Tariff Provision Regarding)
Royalty Fees.)

Application No. C-50

DENIED

Entered: December 29, 1981

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed July 24, 1980, the Nebraska Telephone Association, Lincoln, Nebraska, seeks the adoption of a tariff provision regarding royalty fees.

Notice of the filing of the application was published pursuant to the provisions of the Commission's Rules and Regulations. No protest to the application was filed.

The applicant is an association of telephone companies operating in Nebraska.

Applicant proposes that the Commission order that the tariffs of all telephone companies operating in Nebraska be amended to include the following provision:

ROYALTY FEES

Any royalty fees incurred by the telephone company for the performance of copyrighted works which apply to customer's use of tariffed apparatus or equipment shall insofar as practicable, be billed pro rata to the customers using such apparatus or equipment.

A similar tariff provision for Northwestern Bell Telephone was the subject of a separate application which was dismissed at applicant's request.

Applicant has not provided any information that any telephone company is subject to any such royalty fees. The proposed tariff provision is therefore not necessary at this time.

Upon consideration of the application and attending circumstances and being fully advised, the Commission is of the opinion and finds that the application should be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-50 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of December, 1981.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

COMMISSIONERS CONCURRING:

Jack Romano
Duane D. Gay

ATTEST:

Terrence L. Kubicek
Secretary