

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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| In the Matter of the Application) | Application No. C-135 |
| of Marvin Cech, Columbus, Nebraska) | |
| for authority to receive telephone) | DENIED |
| service from the Columbus exchange) | |
| of the General Telephone Company) | |
| of the Midwest.) | Entered: September 8, 1981 |

APPEARANCES: For the applicant
Marvin Cech, pro se
Route 1
Platte Center, Nebraska

OPINION AND FINDINGS

BY THE COMMISSION:

By application filed March 25, 1981, Marvin Cech, Columbus, Nebraska seeks authority to receive telephone service from the Columbus exchange of the General Telephone Company of the Midwest.

A copy of the application was served upon General Telephone Company of the Midwest and Northwestern Bell Telephone Company.

Pursuant to notice required by law, public hearing was held on the application on May 22, 1981 at 9:30 a.m. in the Court House, Columbus, Nebraska with appearance as set forth above.

Upon consideration of the application, the evidence adduced at the hearing and being fully advised, the Commission is of the opinion and finds that:

1. Applicant is an individual whose mailing address is Route 1, Platte Center, Nebraska.
2. General Telephone Company of the Midwest is a common carrier furnishing telephone service at Columbus, Nebraska.
3. Northwestern Bell Telephone Company is a common carrier furnishing telephone service at Creston, Nebraska.
4. Mr. Cech testified that he and his family recently moved to his present location from Columbus. The legal description of his property is: the southwest quarter of the southeast quarter, Section 23, Township 19 North, Range 1 West, Platte County, Nebraska. Mr. Cech does not now have telephone service although there was Creston service at this location when he moved there. Mr. Cech's children attend school in the Columbus area and all of his business and social contacts are in Columbus.
5. Floyd Olson testified for Northwestern Bell Telephone Company. He presented an exhibit showing Mr. Cech's location, other Creston subscribers, the location of Creston telephone facilities and the exchange boundaries between Creston, Columbus and Platte Center. Northwestern Bell Telephone Company serves three Creston subscribers south of Mr. Cech's location. These facilities would be crossed if service to Mr. Cech were provided from Columbus. In addition, Northwestern Bell Telephone Company has facilities, not presently in use, extending west from Mr. Cech's location for approximately 1½ mile.
6. Two witnesses testified for General Telephone Company of the Midwest. They agreed with Mr. Olson that it would not be possible to serve Mr. Cech from Columbus without duplication of facilities. General Telephone Company of the Midwest also serves the Platte Center exchange which has extended area service to Columbus.

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7. Mr. Cech indicated that he would accept service from Platte Center if he couldn't have service from Columbus.

8. In deciding this Application the applicable statute requires that we make several findings. Section 75-613 R.R.S. 1975 states that:

Upon the completion of the hearing on such an application, if a hearing is required, the Public Service Commission may grant the application, in whole or in part, if the evidence establishes all of the following:

(1) That such applicant or applicants are not receiving and will not within a reasonable time receive, reasonably adequate exchange telephone service from the company furnishing such service in the exchange service area in which the applicant or applicants reside or operate;

(2) The revision of the exchange service area or areas required to grant the application will not create a duplication of facilities, is economically sound and will not impair the capability of the telephone company or companies affected to serve the remaining subscribers in any affected exchange;

(3) The community of interest in the general territory is such that the public offering of each telephone company in its own exchange service area involved should include all the territory in its service area as revised by the Commission's order, and

(4) The applicant or applicants are willing and will be required to pay such construction and other costs and rates as are fair and equitable and will reimburse the affected company for any necessary loss of investment in existing property as determined by the Public Service Commission.

We believe the evidence adduced at the hearing does not establish all the foregoing requirements.

9. The evidence indicates that the granting of the application for Columbus service would create a duplication of facilities and further, there is no evidence that applicant is willing to pay the construction charges required.

10. The application should be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-135 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of September, 1981.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

Duane D. Gay

Terence L. Kubacki
Secretary