

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-153
of Arlington Telephone Company,)	
Blair, Nebraska, for a final)	
determination of the boundary)	
line between the Arlington)	
exchange area and the Hooper)	
exchange area.)	Entered: November 10, 1981

APPEARANCES: For the applicant
John R. O'Hanlon, Attorney
1569 Washington Street
Blair, Nebraska

For the protestant, Hooper Telephone
Company
Paul M. Schudel, Attorney
1500 Sharp Building
Lincoln, Nebraska

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed May 20, 1981, the Arlington Telephone Company, Blair, Nebraska seeks a final determination of the boundary line between the Arlington exchange area and the Hooper exchange area.

Notice of the filing of the application was published pursuant to the provisions of the Commission's Rules and Regulations. Protests to the application were filed by Hooper Telephone Company, Robert Paeper, Fred D. Hagerbaumer, W. A. Schurman, Steven C. Moseman and Mrs. Stephen Cardwell.

Pursuant to notice required by law, public hearing was held on the application on July 22, 1981 at 1:30 p.m. in the Moller Center, Fremont, Nebraska with appearances 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 a corporation organized and existing under the laws of the State of Nebraska with its principal place of business in Blair, Nebraska. It is engaged in the telephone business as a common carrier serving subscribers through an exchange located at Arlington, Nebraska.
2. Protestant, Hooper Telephone Company is a common carrier engaged in the telephone business and serves subscribers through exchanges at Hooper and Uehling, Nebraska.
3. The Arlington and Hooper exchanges are adjacent to one another. Service area boundary maps filed with the Commission show areas of overlap between these two exchanges west, north and east of the community of Fontanelle, Nebraska. Applicant seeks a final determination of the boundary between the Arlington and Hooper exchanges.
4. Areas of overlap located northeast of Fontanelle were identified and numbered 2 through 5 on Exhibit No. 3. It was stipulated between Arlington Telephone Company and Hooper Telephone Company at the hearing that areas labeled 2 and 3 would be included within the Hooper exchange and that areas 4 and 5 would be included within the Arlington exchange. It is noted that this stipulation does not affect the telephone service of any subscriber in these areas.

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5. The remaining area of overlap numbered 1 on Exhibit No. 3 and located north and slightly west of Fontanelle was described as a "finger" or "peninsula" at the hearing. The evidence establishes that Arlington Telephone Company serves twelve subscribers in this area. Four of these subscribers have filed Application No. C-138 seeking to receive telephone service from the Hooper exchange. This application was the subject of a separate hearing and order by the Commission which denied the application. We therefore find that the area labeled 1 on Exhibit No. 3 should be included within the service area of the Arlington Telephone Company.

6. Although Hooper Telephone Company does not serve any subscribers within the "finger" the evidence does indicate that a line or cable of the Hooper Telephone Company crosses the "finger" in Section 8 to serve a subscriber located west of this area in what is unquestionably the Hooper area. Exhibit 3 indicates that the Elkhorn River lies approximately one-half mile west of this "finger" and that there are no roads directly from this area to the rest of the Hooper exchange that do not cross the "finger". Testimony at the hearing indicates that there are potential subscribers residing in this area of the Hooper exchange.

7. We further find that the Hooper Telephone Company shall have the authority to maintain the existing line crossing the Arlington exchange area and further shall be authorized to cross this territory with its facilities in order to serve new subscribers northwest of Fontanelle in Sections 6, 7 and 31.

8. Although the application does not address the question of the boundary in the community of Fontanelle, we note that the evidence indicates that the Hooper Telephone Company serves only one subscriber and the Arlington Telephone Company one or two subscribers, the remainder of the subscribers in Fontanelle being served by the Fremont exchange of Northwestern Bell Telephone Company. We find that future service in Fontanelle should be provided by Northwestern Bell Telephone Company.

9. Having considered all of the evidence the Commission is of the opinion and finds that the boundary between the Arlington exchange of the Arlington Telephone Company and the Hooper exchange of the Hooper Telephone Company shall be established as set forth on the map attached hereto as Schedule A.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the service area boundary between the Arlington exchange of the Arlington Telephone Company and the Hooper exchange of the Hooper Telephone Company be and it shall be established as set forth on the map attached hereto as Schedule A.

IT IS FURTHER ORDERED that the Hooper Telephone Company be and it shall have the authority to continue to maintain the existing line crossing the Arlington exchange area in Section 8 and further to cross this territory with its facilities in order to serve new subscribers in Sections 6, 7 and 31 northwest of Fontanelle.

IT IS FURTHER ORDERED that both Arlington Telephone Company and Hooper Telephone Company may continue to serve their existing subscribers in the community of Fontanelle but that future service in Fontanelle shall be provided by Northwestern Bell Telephone Company.

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MADE AND ENTERED at Lincoln, Nebraska, this 10th day of November, 1981.

NEBRASKA PUBLIC SERVICE COMMISSION

Jack Romans
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

Harold D. Simpson
Duane D. Gay

Terrence L. Kulicet
Secretary