

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. C-187
Tracy Corporation dba KMOR, Scotts-)	
bluff, Nebraska, for authority to)	GRANTED
provide radio common carrier service.)	
)	Entered: May 17, 1982

APPEARANCES: For the applicant
John Herdzina, Attorney
1175 Woodmen Tower
Omaha, Nebraska

For the protestant, United Telephone
Company of the West
J. R. Smith, Attorney
6666 West 110th Street
Overland Park, Kansas

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed October 13, 1981, Tracy Corporation, dba KMOR, Scottsbluff, Nebraska, seeks authority to provide radio common carrier service.

Notice of the application was published pursuant to the provisions of the Commission's Rules and Regulations. A protest to the application was filed by United Telephone Company of the West and a Petition of Intervention was filed by Mainline Communications.

Pursuant to notice required by law, public hearing was held on the application on February 18, 1982 in the City Hall, Scottsbluff, 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 at Scottsbluff, Nebraska.

2. Applicant seeks a Certificate of Public Convenience and Necessity to operate as a common carrier offering mobile radio and paging service in Scotts Bluff County, Nebraska.

3. Protestant, United Telephone Company of the West, is a common carrier under the jurisdiction of this Commission providing telephone service in Scotts Bluff County including mobile radio and paging service.

4. Intervenor, Mainline Communications Company is a radio common carrier under the jurisdiction of this Commission and furnishes mobile radio and paging service at Alliance, Nebraska. Mainline has also been authorized by the Commission to offer mobile radio and paging service within a 35 mile radius of Scottsbluff, Nebraska, however intervenor is not yet operating any facilities in Scottsbluff.

5. Eleven witnesses testified for the applicant including seven who were prospective users of the proposed service. Michael J. Tracy, president of the applicant testified concerning the service proposed and the applicant's ability to provide the service. Applicant presently operates radio station KMOR at Scottsbluff and has available qualified engineering and technical personnel to operate and maintain a radio common carrier facility. Applicant also has the financial resources to construct and operate the proposed system.

6. All seven of the prospective users testified that paging and mobile service having a greater range than that of the telephone company was needed. Applicant indicated that its antenna would be placed on the KMOR radio tower, which because of its height and location would afford a greater area of coverage than that of the telephone company.

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7. Applicant also presented the results of a survey which indicated the potential for 109 pagers and 25 mobile radios.

8. Vernon Allan, Vice President of United Telephone Company of the West testified that protestant presently serves 29 mobile radios and 250 pagers; that it is in the process of adding digital central office equipment at Scottsbluff which will permit it to include timing on the mobile channel and thus increase its capacity to approximately 45; that the range of its pagers is approximately 7 to 10 miles and for mobile radios approximately 25 miles. Mr. Allan felt that the telephone company could adequately serve the need for mobile radio and paging service.

9. Arthur L. Kramer, partner in the intervenor Mainline Communications Company, testified that they were about to receive their FCC authorization and construction permit; that they had originally planned to use the KMOR tower site but were now going to use another location; that the change in tower site and protests to their FCC application had delayed the start of their Scottsbluff operation about a year; and that the granting of this application would dilute the market.

10. Having considered all of the evidence, we find that there is a need for the service proposed, that the applicant has the financial and technical resources to provide the service and that there is sufficient difference between the applicant's proposed service and that now offered by protestant and to be offered by the intervenor to conclude that there will be no duplication of facilities.

11. Applicant's service would cover a wider area than that of United and would utilize different frequencies assigned by the FCC which are not compatible. The proposed service does not cover as large an area as that to be served by Mainline, which would be tied in with Alliance and would thus be of interest to a different group of subscribers.

12. The application is fair and reasonable, is in the public interest and should be granted.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-187 be and it is hereby granted and the Tracy Corporation, dba KMOR be and it is hereby authorized to operate as a radio common carrier offering mobile radio and paging service to subscribers located in Scotts Bluff County, Nebraska.

IT IS THEREFORE ORDERED that this order be and it is hereby made the Commission's Official Certificate of Public Convenience and Necessity to provide radio common carrier service within said area.

IT IS FURTHER ORDERED that the authority granted herein shall expire one year from the date of this order in the event that the applicant has failed to provide the service proposed, unless the Commission has, for good cause shown granted an extension of time.

MADE AND ENTERED at Lincoln, Nebraska this 17th day of May, 1982.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST

Terence L. Kuback
Executive Secretary

COMMISSIONERS CONCURRING:

Duane D. Gay