

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of )	Application No. C-211
Homer Doell, Elsie, Nebraska, who seeks )	
authority to receive telephone service )	GRANTED
from the Elsie Mutual Telephone Company )	
	Entered: May 17, 1982

APPEARANCES: For the Applicant  
Richard A. Dudden, Esq.  
and  
Ed Steenburg, Esq.  
P.O. Box 60  
Ogallala, Nebraska 68153

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed December 21, 1981, Homer Doell, Elsie, Nebraska seeks authority to receive telephone service from the Elsie Mutual Telephone Company. Notice of the application was served on Chrisp's Telephone Company and Elsie Telephone Company by certified mail pursuant to statute and the Rules and Regulations of the Commission.

Hearing on the application was held March 11, 1982 at Grant, Nebraska with appearances as shown.

In support of the application Mr. Doell testified: He is a farmer living in a new house on the northeast corner of the northeast quarter of Section 30, Township 9, Range 36, Perkins County, Nebraska. He moved into his new house in January of 1982. Prior to that he lived on a farm three miles south of Elsie. He has lived in Perkins County for seven years. He was served at his former address by the Elsie Mutual Telephone Company. His son is presently attending school but his son will eventually live on the farm he vacated. There are no telephone lines going by his house at the present time. He lives a mile and a half east and south of the nearest Elsie Telephone line. The closest line of the Chrisp's Telephone Company is one mile west. He would be willing to pay the Elsie Telephone Company for any charges assessed for installation of the telephone by that company. He does not know of any equipment that would be idled that belongs to the Chrisp's Telephone Company but he would be willing to reimburse Chrisp's if there is. He buys most of his supplies and groceries and does most of his business in Elsie. He feels he is a resident of Elsie. He does not feel he is considered to be a resident of Madrid. He lives eleven miles from Elsie and approximately the same distance from Madrid. He goes to church in Elsie. He has no children in high school. He has one child in Lincoln and one in Sterling. He is on the Board of Trustees of the Methodist Church in Elsie and on the board of the HiLine Co-op at Elsie. He owns the farm on which the house is built. The whole farm, 160 acres, is on the Madrid side of the boundary line. Exhibit 4 is a map of the Elsie Telephone district. The "X" in Section 30 shows where his present house is located. The "X" in Section 25 shows the location of his former home. His son plans to move into his former home and they will farm both places in a joint operation.

John Faught testified: He is President of Elsie Mutual Telephone Company. He has been President for approximately four years. He knows the location of Mr. Doell's house. A line approximately a mile and three quarters would have to be built in order to serve Mr. Doell. The company has sufficient financial capacity to install a telephone and provide the service as requested by Mr. Doell. The company has additional line capacity. If Elsie Telephone Company installs the service, calls to Elsie would be toll-free, calls to Madrid would be toll calls. Mr. Doell is a shareholder and member of the telephone district at the present time and has been for seven years. There would be no additional assessment for running the telephone line to Mr. Doell's house; however, if Mr. Doell installs a phone in his old residence, or if anyone else installs a phone in his old residence there would be a charge. Mr. Doell's present membership could be transferred to his new residence. If he is not able to transfer his

membership and obtain service from Elsie Mutual Telephone Company, Mr. Doell will be offered a refund of his stock ownership. If Mr. Doell's son were to move into the residence south of Elsie, there would be an additional charge for Elsie service, the same as for a new member. There are 195 subscribers in the exchange. Cost of installation of a phone would be \$15.00 for the first phone and \$5.00 for each additional jack. Elsie would provide a single line private line service with buried cable.

Gary Chrisp testified: he lives in Paxton and is the majority stockholder of Chrisp's Telephone Company. He is familiar with Exhibit 4 and agrees that Mr. Doell's home is within the Madrid Exchange of the Chrisp's Telephone Company. The nearest Chrisp's facility is one mile west. If Chrisp's were to provide service to Mr. Doell, it would charge \$70.00 per one tenth mile to be used as advance rental. The charge would be \$700.00 which would be used up in monthly charges of \$8.00 per month plus taxes. The actual installation charge would be \$8.00 for the main station and \$8.00 for a jack. Chrisp's would not sustain any losses for unused equipment. The only loss that Chrisp's would have is the loss of potential revenue. Toll charges would not be debited against the \$700.00 credit. The service offered would be one-party buried service. Chrisp's has approximately 215 to 220 main stations in the Madrid exchange. There is no loss of investment to the Chrisp's Telephone Company. Anytime an area goes out of an exchange boundary there is potential loss of revenue.

Section 75-613 R.R.S. 1943 as amended, provides that the Commission may grant applications such as the one in question if the evidence establishes all requirements of the statute. First the applicant must prove that he is not receiving, and will not within a reasonable time receive, reasonably adequate exchange telephone service from the company furnishing such service in the exchange area in which he resides or operates. The evidence shows that both Elsie Mutual Telephone Company and Chrisp's Telephone Company are ready willing and able to furnish reasonably adequate telephone service to the applicant who is not receiving any service at present.

The second requirement is that the applicant prove that the revision of the exchange service area 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 affected to serve the remaining subscribers in the affected exchange. The evidence shows the Chrisp's Telephone Company has at least 215 subscribers in the Madrid exchange which have been adequate to support the service. There is no duplication of facilities in this case. There is no evidence that the grant of this application would stimulate any erosion of Chrisp's subscribers.

On the third issue, Mr. Doell offered adequate evidence that his community of interest is Elsie.

The fourth issue, whether the applicant is willing to pay the construction and other cost and rates that are fair and equitable and will reimburse the affected company for any loss of investment, can also be resolved in applicant's favor. Chrisp's Telephone Company would have to make an additional investment in order to serve the applicant as would Elsie if the application were granted. There will be no loss of investment for either company. Applicant will not be required to pay any additional cost by staying in the Elsie boundary.

There is ample evidence on all of the issues raised by the statute to justify a grant of Mr. Doell's application.

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From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds that the application of Homer Doell for authority to receive telephone service from the Elsie Mutual Telephone Company in Application No. C-211 should be granted.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Homer Doell in Application No. C-211 for authority to receive telephone service from the Elsie Mutual Telephone Company be, and it is hereby, granted and the boundaries of Elsie Mutual Telephone Company and Chrisp's Telephone Company shall be, and they are hereby, changed to include the northeast quarter of Section 30, Township 9, Range 36 west of the 6th P.M. Perkins County, Nebraska.

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

NEBRASKA PUBLIC SERVICE COMMISSION

*Harold D. Simpson*  
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

*Terrence L. Kubacki*  
Executive Secretary