

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of  
Tracy Corporation II, Scottsbluff,  
Nebraska, for authority to acquire  
Certificates of Public Convenience  
and Necessity issued to Mainline  
Communications. }

Application No. C-288

GRANTED

Entered: November 5, 1982

APPEARANCES: For the Applicant  
John W. Herdzina, Attorney  
1175 Woodmen Tower  
Omaha, Nebraska 68102

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed July 29, 1982, Tracy Corporation II, Scottsbluff, Nebraska, seeks authority to acquire the Certificates of Public Convenience and Necessity issued to Mainline Communications.

Notice of the filing of the application was published pursuant to the provisions of the Commission's Rules and Regulations. A protest to the application was filed by Central Radio Phone Company but was subsequently withdrawn pursuant to stipulation.

Pursuant to notice required by law, public hearing was held on the application on October 19, 1982 at 8:00 a.m. in the Commission hearing Room 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 a corporation organized and existing under the laws of the State of Nebraska with its principal place of business at Scottsbluff, Nebraska. It is the successor to Tracy Corporation which has been authorized to operate as a radio common carrier in Scotts Bluff County, Nebraska by this Commission. The transfer of authority from Tracy Corporation to the applicant is the subject of application No. C-289, pending before the Commission.

2. Mainline Communications Company is a partnership of Arthur L. Kramer and Jon F. McClelland with its principal place of business at Alliance, Nebraska. It is a radio common carrier serving subscribers in and around Alliance, Nebraska.

3. In addition to authority granted by this Commission for Alliance, Nebraska, Mainline Communications Company has been authorized by the Commission to provide radio common carrier service at Kimball, Chadron, Scottsbluff, Ogallala and Hyannis, Nebraska. Mainline Communications Company is presently providing radio common carrier service only at Alliance, Nebraska.

4. Applicant and Mainline Communications Company have entered into an agreement which provides for the purchase by applicant of the assets and grants of authority held by Mainline Communications Company.

5. A protest to this application was filed by Central Radio Phone Company, North Platte, Nebraska. Central Radio Phone Company is authorized by this Commission to provide radio common carrier service at Ogallala, Nebraska. Pursuant to a stipulation entered into between applicant and protestant, applicant has agreed to request cancellation of the Certificate of Convenience and Necessity for radio common carrier service at Ogallala, Nebraska held by Mainline Communication Company which it is acquiring and protestant has agreed to withdraw its protest.

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6. Applicant is fit, willing and able to provide service in the area to be acquired from Mainline Communications Company.

7. Because no radio common carrier service is presently being provided at Kimball, Chadron, Scottsbluff, Ogallala and Hyannis by Mainline Communications Company, in addition to cancellation of the authority for Ogallala, Nebraska, the authority for Kimball, Chadron and Hyannis should expire one year from the date of this order unless extended by the Commission if applicant has not commenced providing radio common carrier service at said locations.

8. 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-288 be and it is hereby granted and Tracy Corporation II be and it is hereby authorized to acquire the assets and Certificates of Convenience and Necessity of Mainline Communications Company.

IT IS FURTHER ORDERED that pursuant to the stipulation between applicant and protestant the authority of Mainline Communications Company to provide radio common carrier service at Ogallala, Nebraska which has been acquired herein by applicant, be and it is hereby cancelled and revoked.

IT IS FURTHER ORDERED that the authority to provide radio common carrier service at Kimball, Chadron and Hyannis, Nebraska acquired herein shall expire one year from the date of this order unless extended by the Commission if applicant has not commenced providing radio common carrier service at said locations.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of November, 1982.

NEBRASKA PUBLIC SERVICE COMMISSION

*Harold D. Simpson*  
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

*Terence L. Hubert*  
Executive Secretary