

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application	)	Application No. C-335
of United Telephone Company of the	)	
West, Scottsbluff, Nebraska for	)	ORDER APPROVING RATE
authority to increase rates and	)	SCHEDULE
charges.	)	
	)	Entered: March 17, 1987

APPEARANCES: For the applicant  
Maria A. Kendro, Attorney  
6666 West 110th Street  
Overland Park, KS

For the protestants, City of Kimball and  
Alva Pietsch  
Darrel J. Huenergardt, Attorney  
P. O. Box 490  
Kimball, NE

BY THE COMMISSION:

OPINION AND FINDINGS

On December 27, 1982, United Telephone Company of the West (United) filed the captioned application. On August 23, 1983, the Commission granted the application in part and ordered United to file a schedule of rates to produce the added revenue allowed. On September 6, 1983 the Commission entered an order approving the proposed rate schedule. Protestant, City of Kimball appealed the September 6, 1983 order to the Nebraska Supreme Court.

On February 23, 1984 the court approved a stipulation filed by the parties and remanded the matter to the Commission for reconsideration.

Another hearing was held on January 29, 1985, and on March 19, 1985 the Commission again granted the proposed rates and charges. The March 19, 1985 order was appealed to the Supreme Court which remanded the matter to the Commission for further proceedings, the court finding that there had been no compliance with its order of February 23, 1984.

Pursuant to the mandate of the Supreme Court, a public hearing was held on October 31, 1986 at 9:30 a.m. in the Commission Hearing Room, Lincoln, Nebraska, with appearances as shown. Exhibit 1 reflects that notice of the public hearing was sent to United, John Herdzina, Darrel Huenergardt, Michael Tracy and nine newspapers in the area served by United as well as the Daily Record and Omaha World Herald. Exhibit 1 also incorporates printers affidavits from the Western Nebraska Observer, Gering Courier, Garden County News, Chappell Register, Scottsbluff Star-Herald, Daily Record and Omaha World Herald.

George Head, Local Revenues Director for United testified concerning the proposed rates and charges. Mr. Head identified the schedule of rates and tariffs that had been filed to comply with the August 23, 1983 order. With respect to the one-way paging service rate, he testified that the schedules raised the total cost of paging service from \$17.60 to \$18.00. Mr. Head demonstrated that the rate for the primary telephone was fifty cents per month, the coin telephone rate was twenty cents and that the entire schedule of rates and charges would raise the required \$650,149.

After considering all the evidence, we find that the schedule of rates filed by United pursuant to our order of August 23, 1983 and implemented by it on September 7, 1983 does substantially comply with the intent of that order and should be approved.

Mr. Huenergardt requested at the public hearing that the Commission rule on whether or not the issue of refund was still before the Commission. United's motion seeking a declaratory ruling on this issue was withdrawn at the start of the January 29, 1985 hearing, thus the issue is not before the Commission.

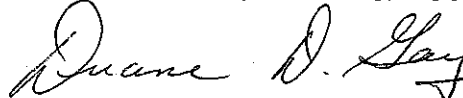
To eliminate any question concerning the refund issue, the Commission finds that: United had filed for an increase of \$2,227,330. The schedule that was placed in effect raised \$650,149, or 29% of the total. Pursuant to Nebraska law, United was entitled to place rates in effect that would raise up to 75% of the total amount requested six months and thirty days after the date of its application, August 26, 1983, if the Commission had not approved its filing by then. United had the authority under Nebraska statutes to implement the rates it did implement on September 7, 1983 and thus no refund would be due unless we found as a result of this rehearing that such rates did not comply with the August 23, 1983 order.

## ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the schedule of rates and charges filed by United Telephone Company of the West in compliance with our order of August 23, 1983 be and it is hereby approved.

MADE AND ENTERED at Lincoln, Nebraska, this 17th day of March, 1987.

NEBRASKA PUBLIC SERVICE COMMISSION



Vice Chairman

COMMISSIONERS CONCURRING:

//s//Duane D. Gay

//s//Harold D. Simpson

//s//Daniel G. Urwiller

ATTEST:



Executive Secretary