

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application of)	Application No. C-396
Benkelman Telephone Company, Benkelman,)	
Nebraska, to provide mobile telephone)	
service to the area formerly served by)	DENIED
McCook Northwestern Bell Telephone)	
Company.)	Entered: March 26, 1985

APPEARANCES: For the applicant
Neil R. Williams, Attorney
P.O. Box 119
Ogallala, Nebraska 69153

For the protestant
Mid State Systems, Inc.
Stanley C. Goodwin, Attorney
P.O. Box 100
McCook, Nebraska 69001

OPINION AND FINDING

THE COMMISSION:

By application filed May 10, 1983, Benkelman Telephone Company, Benkelman, Nebraska seeks to provide mobile telephone service to the area formerly served mobile telephone service by McCook Northwestern Bell Telephone Company.

Notice of the filing of the application was published pursuant to the Commission's Rules and Regulations. A protest to the application was filed by Mid State Systems, Inc.

The application was held in abeyance until November 16, 1984 at applicant's request.

Pursuant to notice required by law, public hearing was held on the application on February 7, 1985 at 9:00 a.m. in the American Charter Community Room, McCook, Nebraska with appearances as shown.

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 Nebraska corporation with its principal place of business at Benkelman, Nebraska. It is engaged in the telephone business as a common carrier providing land-line and mobile telephone service at Benkelman, Nebraska.

2. Protestant is a Nebraska corporation with its principal place of business at McCook, Nebraska it is a radio common carrier serving mobile radio and paging subscribers through base stations at McCook, Trenton and Imperial, Nebraska.

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3. Applicant seeks a Certificate of Public Convenience and Necessity to provide mobile radio and paging service to subscribers in McCook, Nebraska. Telephone service at McCook, Nebraska is provided by Northwestern Bell Telephone Company which also provides mobile radio service.

4. Randall J. Raile, Manager, testified for applicant. Applicant serves 21 mobile telephone subscribers at Benkelman. It has applied for and received a Construction Permit from the Federal Communications Commission for a mobile radio station at McCook, Nebraska which permit required completion by February 22, 1985. Applicant proposes to provide IMTS mobile service in place of the manual service provided by Northwestern Bell.

5. The only evidence of need for the proposed service presented by applicant was one individual from McCook who was also a Benkelman mobile subscriber and from other Benkelman subscribers who desired to use their mobiles as roamers in McCook. No potential subscribers testified in support of the application. Applicant offered no financial evidence to establish that sufficient earnings would result from the proposed service to prevent the investment being a burden on existing Benkelman subscribers.

6. The evidence fails to establish that present or future public convenience and necessity requires applicant's proposed service and the application should be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that application No. C-396 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of March, 1985.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

Donald Adams
Executive Secretary

COMMISSIONERS CONCURRING:

Duane D. Gay