

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-398
MCI Airsignal, Inc., Washington, D.C.,)
Petition for Declaratory Ruling.) Entered: July 12, 1983

OPINION AND FINDINGS

BY THE COMMISSION:

By petition filed May 12, 1983, MCI Airsignal, Inc., Washington, D.C. seeks a declaratory ruling by this Commission that regulation of one-way paging service is not required by applicable state law and does not serve the public interest.

Petitioner alternatively requests that, pursuant to Rule 16(e) of the Rules of Commission Procedure, the Commission finds that the petition presents a question of statewide commerce importance and should be resolved in an investigative proceeding.

Notice of the filing of the petition was published pursuant to the Commission's Rules and Regulations. One letter commenting on the petition was received from Nebraska Radio Telephone Systems, Grand Island, Nebraska.

Petitioner has filed an application with the Commission (C-362) seeking authority to provide one-way paging service in the Omaha area.

Prior to the filing of this petition, the Commission on May 5, 1983 submitted the question of continued regulation of paging service, among others, to the Nebraska Attorney General.

The reply of the Attorney General, received June 21, 1983 is attached hereto and is incorporated herein by reference. This reply states in part:

Since the paging services are thus providing "telephone service," they must be regulated by the Public Service Commission under §75-604. Only a specific statutory change by the Legislature could deregulate paging services.

The Commission finds that the issue raised by the petition is one of statewide commerce importance.

We further find that, in accordance with the opinion and of the Attorney General, paging service such as that proposed by petitioner is subject to the jurisdiction of this Commission.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that paging service is and remains subject to the jurisdiction of this Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of July, 1983.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

Terrence L. Kubicek
Executive Secretary