

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application of)
 Arnold F. Siefken, Donald D. Siefken)
 and Neyron Woodward of Wayne County,)
 Wayne, Nebraska for authority to re-)
 ceive telephone service from the Wayne)
 Exchange of the Northwestern Bell Tele-)
 phone Company.)

Application No. C-403

DENIED

Entered January 31, 1984

APPEARANCES: For the applicant
 Duane W. Schroeder, Attorney
 110 West Second
 Wayne, Nebraska

For the Protestant, Continental Telephone Company of
 Nebraska
 Jack L. Schultz, Attorney
 P. O. Box 82028
 Lincoln, Nebraska

OPINION AND FINDINGS

BY THE COMMISSION:

By application filed May 27, 1983, Arnold F. Siefken, Donald D. Siefken and Neyron Woodward of Wayne, Nebraska seek authority to receive telephone service from the Wayne exchange of the Northwestern Bell Telephone Company.

Copies of the application were served on Northwestern Bell Telephone Company and Continental Telephone Company of Nebraska. Continental Telephone Company of Nebraska filed an Answer opposing the granting of the application.

Pursuant to notice required by law, public hearing was held on the application on September 19, 1983 at 9:30 a.m. in the Courthouse, Wayne, 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. Applicants are individuals who reside in the north half of Section 31, Township 25 North, Range 4 East, Wayne County, Nebraska. Arnold Siefken and Neyron Woodward are served by the Wisner exchange of Continental Telephone Company of Nebraska. Donald Siefken does not have telephone service.
2. Applicants seek authority to receive telephone service from the Wayne exchange of the Northwestern Bell Telephone Company.
3. Mr. and Mrs. Donald Siefken, Neyron Woodward and Arnold Siefken testified. They have had difficulty completing calls to Wayne because of delays or inability to direct dial or delay in reaching the operator. Their community of interest is Wayne and it is inconvenient and time consuming to place long distance calls. In addition, their mailing address is Wayne but they are not in the Wayne phone book so that many people assume they do not have telephone service.
4. John Heintz testified for Continental Telephone Company of Nebraska. The index of trouble reports at the Wisner exchange for the 12 months preceeding the hearing was 2.1%. The Optional Calling Plan is available at Wisner which permits

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one hour of long distance calls for \$3.20 or \$4.00 per month, depending upon distance. The loss of investment serving the applicants is \$473.90. A listing in the Wayne telephone directory is available at \$.35 per month.

5. In addition to the two subscriber applicants, Continental Telephone Company of Nebraska serves three subscribers in Section 30 and two subscribers in Section 29. Northwestern Bell Telephone Company serves two subscribers in Section 32. The evidence indicates that if the application were granted, Northwestern Bell Telephone Company would construct facilities between sections 29 and 30, thus duplicating the facilities of Continental Telephone Company of Nebraska.

6. The provisions of Section 75-613, R.S. Neb. establish the criteria which the Commission must find in order to grant this application. Among these is the requirement that no duplication of facilities be created. In this application we find that duplication of facilities would be created if this application is granted.

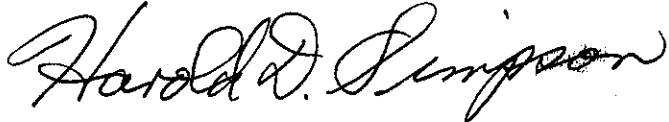
7. The application should be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that application No. C-403 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of January, 1984.

NEBRASKA PUBLIC SERVICE COMMISSION



Chairman

COMMISSIONERS CONCURRING:

ATTEST:



Executive Secretary