

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application of
Accurate Answering Service, Omaha,
Nebraska, for authority to Provide
Radio Paging Service.

) Application No. C-459

) DENIED

) Entered: December 11, 1984

APPEARANCES:

For the applicant

Lavern R. Holdeman, Attorney

Pamela J. Vuchetich, Attorney

1610 South 70th Street, Suite 200

Lincoln, Nebraska 68506

For the protestant

A.T.S. Mobile Telephone, Inc.

Donald H. Erickson, Attorney

10330 Regency Parkway Drive

Omaha, Nebraska 68114

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed October 20, 1983, Accurate Answering Service, Omaha, Nebraska seeks authority to provide radio paging service.

Notice of the filing of the application was published pursuant to the Commission's Rules and Regulations. A protest was filed by A.T.S. Mobile Telephone, Inc.

Pursuant to notice public hearing was held on the application on July 6, 1984 at 9:20 a.m. in the Board of Equalization Room, Omaha-Douglas Civic Center, Omaha, 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 sole proprietorship owned and operated by Ruby Czerwinski with its principal place of business in Omaha, Nebraska. It is engaged in the telephone answering service business and is also authorized by this Commission to resell paging service as a common carrier.

2. Protestant is a radio common carrier furnishing service at Omaha, Nebraska.

3. Applicant seeks a Certificate of Public Convenience and Necessity to provide radio paging service at Omaha, Nebraska.

4. The service proposed is a tone and voice paging service on a 900 Mhz frequency. Testimony indicated that 900 Mhz frequency should provide better reception in buildings than lower frequencies.

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5. Ten potential subscribers testified in support of the application, seven of whom were subscribers of A.T.S. Mobile Telephone, Inc. tone and voice paging service. The other three subscribed to applicant's resale service. In general, the A.T.S. subscribers were dissatisfied with their service because they were unable to receive pages in some locations in Omaha. Applicant's subscribers expressed a need for tone and voice service. All were in favor of competition.

6. Applicant is presently reselling the tone only and digital paging service offered by Advanced Paging Service, Inc., but is not satisfied with the rates charged by Advanced paging or with the unavailability of voice paging.

7. Protestant presently provides tone-only, tone and voice and digital paging on 150 and 450 Mhz frequencies. It has applied to the FCC for 900 Mhz frequencies and has been authorized by this Commission to permit resale of its paging service.

8. Before it may grant this application the Commission must find that the service proposed by A.T.S. Mobile Telephone, Inc. is inadequate and will not be adequate within a reasonable time. The applicant has failed to establish this. Even assuming that 900 Mhz frequencies will improve the coverage and reception in buildings, protestant is also seeking such frequencies from the FCC.

9. The application should be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that application No. C-459 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 11th day of December, 1984.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

Donald Adams
Executive Secretary

COMMISSIONERS CONCURRING: