

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application of)
Millicom Information Services, Inc.,)
New York, New York, for a Certificate)
of Public Convenience and Necessity to)
provide One-Way Messaging Service to)
the area within a 20-mile radius of)
1101 South 50th Street, Omaha, Nebraska.)

Application No. C-492

GRANTED

Entered: December 5, 1984

APPEARANCES: For the applicant
Jack L. Shultz, Attorney
P.O. Box 82028
Lincoln, Nebraska 68501

and

Deborah A. Schloss, Attorney
1799 Swann Street, N.W.
Washington, D.C. 20009

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 February 3, 1984, Millicom Information Services, Inc., New York, New York, seeks a Certificate of Public Convenience and Necessity to provide one-way messaging service to the area within a 20 mile radius of 1101 South 50th Street, Omaha, Nebraska.

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 May 3, 1984 in the W. Dale Clark Library, 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 Delaware corporation with its principal place of business in New York, New York. It is qualified to do business in Nebraska. Millicom Information Services, Inc. (MIS) is a wholly-owned subsidiary of Millicom Incorporated, a Delaware corporation.

2. MIS has applied to the Federal Communications Commission for construction permits to operate radio channels in 81 metropolitan areas including Omaha, Nebraska. The FCC has granted a construction permit in Omaha on 931-9625 Mhz.

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3. MIS proposes to offer a full text electronic messaging service capable of receiving all alphabetic, numeric and ASCII up to 1,550 characters. The message is transmitted by a computer terminal operated by MIS or by the caller. The Omaha system would be tied in with the systems MIS will operate in the other 81 metropolitan areas to permit a user to receive messages wherever he is located.

4. A subscriber to applicant's service would be assigned his own number code which would permit him to receive a message anywhere in the United States where applicant offers service. The sender of the message would dial an 800 toll free number to reach applicant's operator. The subscriber need only advise the operator of his current location to receive messages.

5. Seven potential users testified in support of the application. Some of these witnesses were users of tone and voice pagers of A.T.S. Mobile Telephone, Inc. In all instances these witnesses found the alphanumeric pager superior to the tone only or tone and voice pager because the message could be stored for later play back by the user.

6. A.T.S. Mobile Telephone, Inc. offered testimony that it had on order equipment to provide alphanumerics paging with the ability to store messages for later play back.

7. Before it may grant this application the Commission must find that the service provided by A.T.S. Mobile Telephone, Inc. is inadequate and will not be adequate within a reasonable time. Applicant's proposed service, in addition to providing local alphanumeric paging, is a part of a nationwide network capable of serving subscribers who travel extensively by means of subscribing to one service. Protestant's service, while capable of providing alphanumeric paging locally, does not and will not within a reasonable time have a similar national capability.

8. The application is fair and reasonable, is in the public interest and should be granted.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that application No. C-492 be and it is hereby granted and Millicom Information Services, Inc. be and it is hereby authorized to provide one way messaging service to the area within a 20 mile radius of 1101 South 50th Street, Omaha, Nebraska as a Radio Common Carrier.

IT IS FURTHER ORDERED that this order be and it is hereby made the Commission's Official Certificate of Public Convenience and Necessity to provide the service proposed herein.

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MADE AND ENTERED at Lincoln, Nebraska this 5th day of December, 1984.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson

Chairman

COMMISSIONERS CONCURRING:

Duane D. Gay

ATTEST:

Donald Adams

Executive Secretary