

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application of ) Application No. C-557  
Omaha Cellular Limited Partnership, )  
Centel Cellular Company, General )  
Partner, Omaha, Nebraska, for authority) GRANTED  
to provide Domestic Public Cellular )  
Radio Telecommunications Service in the)  
greater Omaha metropolitan area. ) Entered: March 12, 1985

APPEARANCES: For the applicant  
Paul M. Schudel, Attorney  
1500 American Charter Center  
Lincoln, Nebraska 68508

For the Protestants, Millicom of  
Omaha, Inc. and Omaha Telephone  
Company  
Jack L. Shultz, Attorney  
1200 N Street  
500 The Atrium  
Lincoln, Nebraska 68508

OPINION AND FINDING

BY THE COMMISSION:

By application filed November 26, 1984, Omaha Cellular Limited Partnership seeks the issuance of a Certificate of Convenience and Necessity with respect to charges, classifications, practices, services, facilities and regulations for service in connection with the provision of Domestic Public Cellular Radio Telecommunications Service in an area referred to as the Greater Omaha Metropolitan Area.

Notice of the filing of the Application was published pursuant to the provisions of the Commission's Rules and Regulations. A protest to the application was filed by Millicom of Omaha, Inc. and Omaha Telephone Company. However, by letter addressed to the Commission and dated February 25, 1985, said Protestants withdrew their protest and stated that in their opinion the public interest would not be served by their continued opposition to this Application.

Pursuant to notice required by law, public hearing on this matter was held on February 11, 1985 in the Commission Hearing Room, Lincoln, Nebraska, with appearances as set forth above.

Upon consideration of the Application, the evidence adduced at the hearing and being fully advised, the Commission is of the opinion and finds that:

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1. Applicant is a limited partnership organized under the Nebraska Uniform Limited Partnership Act on May 3, 1984, comprised of Centel Cellular Company, General and Limited Partner, and Cellular Systems of Nebraska and North Central Cellular Communications, Inc., as limited partners. Applicant's principal place of business is 12265 West Center Road, Suite 112 at Westwood Plaza, Omaha, Nebraska.

2. The Federal Communications Commission has found there to be a general public need for the rapid implementation of cellular service in the United States. See, Report and Order, 86 F.C.C.2d 469 (1981); Memorandum Opinion and Order On Reconsideration, 89 F.C.C.2d 58 (1982); and Memorandum Opinion and Order on Further Reconsideration, 47 Fed. Reg. 32 (July 28, 1982), hereinafter collectively referred to as the "F.C.C. Orders". Based upon the holdings of these F.C.C. Orders, this Commission has not considered this Application from a standpoint of public need, but rather has confined its consideration to those areas reserved to state jurisdiction, namely, charges, classifications, practices, services, facilities and regulations for service, 89 F.C.C.2d at paragraph 84.

3. This Commission finds that Applicant currently holds authority to commence construction of facilities issued by the F.C.C. on September 21, 1984 as well as Mobile Radio Authorizations also issued by the F.C.C. on December 12, 1984 and January 25, 1985. Further, consistent with the receipt of such authorizations, this Commission finds that Applicant has made substantial progress in the construction of its cellular radio telecommunications system.

4. This Commission finds that the Applicant, and its General Partner, Centel Cellular Company, possess the necessary financial, technical and managerial qualifications to properly operate and offer to the public the cellular radio telecommunications service proposed for the Greater Omaha Metropolitan Area.

5. This Commission finds, after careful consideration of the proposed tariff submitted by Applicant at the hearing on this matter, that the charges, classifications, practices, services, facilities and regulations for service set forth therein are fair and reasonable and that the public interest will be served by the provision of the proposed cellular radio telecommunications service in the Greater Omaha Metropolitan Area.

6. Applicant proposes to offer its cellular radio telecommunications service for resale by third parties. Any resellers who may desire to resell such services shall take appropriate action to obtain any necessary certification from this Commission.

7. Based upon the foregoing findings, the Commission concludes that this Application should be granted effective as of the date of entry of this Order, and further finds that Applicant's proposed tariff should be approved.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-557 be and it is hereby granted and that Omaha Cellular Limited Partnership, Centel Cellular Company, General Partner, be and is hereby authorized to operate a cellular radio telecommunications system in the Greater Omaha Metropolitan Area serving the general public in accordance with the terms of Applicant's proposed tariff as filed with the Commission.

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

IT IS FURTHER ORDERED that applicant file a copy of its tariff with the Commission for its official tariffs files.

MADE AND ENTERED in Lincoln, Nebraska, this 12th day of March, 1985.

NEBRASKA PUBLIC SERVICE COMMISSION

*Harold D. Simpson*  
Chairman

ATTEST:

*Donald Alamy*  
Executive Secretary

COMMISSIONERS CONCURRING:

*Duane D. Gay*