

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application of)
The Lincoln Telephone and Telegraph)
Company, Lincoln, Nebraska, to provide)
mobile telephone and paging services in) GRANTED
the Kearney, Nebraska area.)
Entered: March 12, 1985

APPEARANCES: For the applicant
Victor E. Covalt III, Attorney
1500 American Charter Center
Lincoln, Nebraska 68508

For the protestant
Mid-Town Communications, Inc.
Laverne Holdeman, Attorney
P.O. Box 5526
Lincoln, Nebraska 68505

OPINION AND FINDING

BY THE COMMISSION:

By application filed December 31, 1984, The Lincoln Telephone and Telegraph Company, Lincoln, Nebraska seeks a certificate of public convenience and necessity to provide mobile telephone and radio paging services within a twenty-five mile radius of Kearney, Nebraska as was formerly served by General Telephone Company of the Midwest.

Notice of the filing of the application was published pursuant to this Commission's Rules and Regulations. One protest to this application was filed by Mid-Town Communications, Inc. by letter received January 23, 1985.

Pursuant to notice as required by law, public hearing on this application was held on February 21, 1985, at the Buffalo County Courthouse, Kearney, Nebraska, with appearances as set forth above.

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

1. Applicant is a corporation engaged in provision of telecommunications services within this State under authority granted by and under the jurisdiction of this Commission. Applicant owns and operates a complete telecommunications system in 137 exchanges in southeastern Nebraska providing exchange, inter-exchange, toll, mobile telephone and radio paging services. Applicant's principal place of business is located at 1440 "M" Street, Lincoln, Nebraska.

2. By order entered in Application No. C-528, General Telephone Company of the Midwest was authorized to discontinue provision of mobile telephone and radio paging services in the Kearney area, which discontinuance shall become effective on March 23, 1985.

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3. Applicant has purchased the facilities for provision of such services from General Telephone Company of the Midwest and General Telephone has assigned its FCC license to Applicant to operate Station KQZ729 in Kearney, Nebraska to provide such services, said assignment being approved by the FCC in Report No. 259-A dated January 16, 1985.

4. Applicant has the managerial, technical and financial capabilities to provide the services as proposed.

5. The approval of this application will be of advantage to the present subscribers of the services as now provided by General Telephone and is in the best interest of the public and will permit the continuation of such services in the Kearney area without interruption upon the discontinuance of such services by General Telephone.

6. Effective March 23, 1985 no other common carrier will be providing mobile telephone and radio paging services on "wireline" frequencies within the Kearney area, nor is capable of providing such services within a reasonable time under the circumstances.

7. Approval of this application will not result in a duplication of facilities for provision of such services and is in accordance with the consent of the present carrier, General Telephone Company of the Midwest, and with the desires of the subscribers to be served.

8. Applicant proposes to provide the service in accordance with the rates and charges and terms of its tariff for provision of similar services in its Hastings, Nebraska service area, and otherwise proposes to provide such services in accordance with all Rules and Regulations of the Commission and with the laws of this State.

9. Upon consideration of the Application and attending circumstances and upon the evidence submitted herein, the Commission finds that this Application is fair and reasonable and should be granted.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that application No. C-564 be and it is hereby granted and The Lincoln Telephone and Telegraph Company be and it is hereby authorized to provide mobile telephone and paging service in Kearney, Nebraska as set forth in the Opinion and Findings herein.

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 mobile telephone and paging services within a 25 mile radius of its tower located in Kearney, Nebraska.

IT IS FURTHER ORDERED that applicant's present tariff for provision of mobile telephone and paging service shall apply at Kearney, Nebraska.

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IT IS FURTHER ORDERED that the acquisition of mobile telephone and paging assets from General Telephone Company of the Midwest shall be recorded on the books and records of applicant at the book cost and depreciation reserve appearing on the books and records of General Telephone Company of the Midwest.

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

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

Duane D. Gay

Donald Adams
Executive Secretary