

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. C-632
Omaha Cellular Telephone Company,)	
Omaha, Nebraska, for approval of)	GRANTED
tariffs for Cellular Mobile Service in)	
Omaha, Nebraska.)	Entered: March 11, 1986

OPINION AND FINDINGS

BY THE COMMISSION:

By application filed January 6, 1986, Omaha Cellular Telephone Company, Omaha, Nebraska, a Partnership, seeks approval to place in effect its tariff governing charges, classifications, practices, services, facilities and regulations for service in the provision of cellular telephone service in Omaha, Nebraska.

Notice of the filing of the application of Omaha Cellular Telephone Company was published on January 8, 1986 pursuant to the provisions of the Commission's Rules and Regulations.

A protest to the application was filed on behalf of Omaha Cellular Limited Partnership, Centel Cellular Company, General and Limited Partner. Subsequently, by letter dated February 20, 1986, Omaha Cellular Limited Partnership filed a Petition to Withdraw Protest. Said Petition having been granted, the matter subsequently became unopposed.

Upon consideration of the Application, the tariff provisions proposed and being fully advised, the Commission is of the opinion and finds that:

1. The Applicant is a partnership duly qualified and registered in the State of Nebraska with a principal place of business located at 291 Harney Street, 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 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 the standpoint of public need but rather has confirmed its consideration of 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 and has commenced construction of its nonwire line facility for cellular service for Omaha, such construction permit having been a part of the Applicant's resale application approved on April 30, 1985.

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4. The Commission finds that the Applicant and its current partners, Millicom of Omaha, Inc. holding 68.75 percent; NewVector Communications, Inc., 25 percent; and ATS Cellular of Omaha, Inc., 6.25 percent possess the necessary financial, technical and managerial qualifications to properly operate and offer to the public the cellular radio telecommunication service proposed for the Omaha metropolitan area.

5. Applicant by letter dated February 25, 1986 has sought to clarify two sections of its proposed tariff. Specifically, Section V.G.1.a. entitled "Timing of Calls" and Section VI.C.2.c. describing "Major Account Service" have been further defined. Modification of the two sections as proposed shall be approved. This Commission finds, after careful consideration of the proposed tariff, as clarified, that the charges, classifications, practices, services, facilities and regulations for service set forth therein are fair and reasonable and the public interest will be served by the provision of the proposed cellular radio telecommunication service in the Omaha metropolitan area.

6. Applicant has not proposed to offer its cellular radio telecommunication service for resale by third parties. Should Applicant at a later date intend to offer resale by third parties, its tariff will require amendment to authorize such resale.

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

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-632 be and is hereby granted. Omaha Cellular Telephone Company is hereby authorized to operate a cellular radio telecommunication system in the Omaha metropolitan area in accordance with the terms of Applicant's proposed tariff as clarified. The Applicant's tariff shall be effective as of this date.

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

MADE AND ENTERED at Lincoln, Nebraska, this 11th day of March, 1986.

NEBRASKA PUBLIC SERVICE COMMISSION

Eric Rasmussen
Vice Chairman

ATTEST:

Donald Adams
Executive Secretary

COMMISSIONERS CONCURRING:

Duane D. Gay
Duane D. Gay
James F. Munnelly
Eric Rasmussen
Harold D. Simpson