

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-688
of Rodney D. Cross, Harrisburg,)	
Nebraska for authority to receive)	
telephone service from the)	DENIED
Scottsbluff/Gering exchange of the)	
United Telephone Company of the)	
West.)	Entered: March 31, 1987

APPEARANCES: For protestant, United Telephone
Company of the West
Maria Kendro, Attorney
6666 West 110th Street
Overland Park, Kansas

OPINION AND FINDINGS

BY THE COMMISSION:

By application filed September 24, 1986, Rodney D. Cross, Harrisburg, Nebraska seeks authority to receive telephone service from the Scottsbluff/Gering exchange of United Telephone Company of the West.

A copy of the application was served upon United Telephone Company of the West and Dalton Telephone Company. Pursuant to notice required by law, public hearing was held on the application on January 29, 1987 at 9:00 a.m. in the Kimball County Courthouse, Kimball, Nebraska with appearance 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 an individual residing in and receiving telephone service from the Bushnell, Nebraska exchange of Dalton Telephone Company.

2. Applicant desires to receive telephone service from the Scottsbluff exchange of United Telephone Company of the West. Mr. Cross's testimony indicated that he desired Scottsbluff telephone service for the reason that virtually all of his calls, including those to the school his children attend, his bank and other business calls are long distance. His business, that of operating a backhoe is conducted primarily in the area served by the Scottsbluff exchange. He indicated that potential customers do not call because of the toll charge.

3. Section 75-613 of the Nebraska Statutes requires that before granting an application such as this, the Commission must make four specific findings, among them:

"(1) That such applicant or applicants are not receiving, and will not within a reasonable time receive, reasonably adequate exchange telephone service from the company furnishing such service in the exchange service area in which the applicant or applicants reside or operate. The fact that an applicant is required to pay toll charges for long distance telephone calls to an exchange service area adjacent to the territory in which the applicant resides or operates shall not be deemed to constitute inadequate exchange telephone service from the company furnishing such service:"

4. Applicant has failed to show that his existing service is inadequate as required by the provisions of Section 75-613 of the Nebraska Statutes and, therefore, the application should be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-688 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of March, 1987.

NEBRASKA PUBLIC SERVICE COMMISSION

Eric Rasmussen
Chairman

COMMISSIONERS CONCURRING:

James F. Munnelly
//s//James F. Munnelly
//s//Eric Rasmussen
//s//Harold D. Simpson
//s//Daniel G. Urwiller

ATTEST:

John Busan
Acting Executive Secretary