

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application)	Application No. C-739
of George Farm Company, South)	
Sioux City, Nebraska for author-)	
ity to receive telephone service)	DENIED
from the South Sioux City)	
exchange of Northwestern Bell)	
Telephone Company.)	Entered: September 15, 1987

APPEARANCES: For the applicant
Kurt D. Rager, Attorney
P.O. Box 339
South Sioux City, Nebraska

For Northeast Nebraska Telephone Company
R. G. Scoville
1913 Dakota
South Sioux City, Nebraska

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed June 25, 1987, George Farm Company, South Sioux City, Nebraska seeks authority to receive telephone service from the South Sioux City exchange of the Northwestern Bell Telephone Company.

A copy of this application was served upon Northwestern Bell Telephone Company and Northeast Nebraska Telephone Company. Pursuant to notice required by law, public hearing was held on the application on August 27, 1987 at 10:00 a.m. in the City Council Chambers, South Sioux City, Nebraska, with appearances as shown.

At the beginning of the hearing, applicant filed a motion for an order granting the application for the reason that no timely protest was filed, which motion was taken under advisement. Section 75-612 and 75-613, Nebraska Revised Statutes as amended provides that a hearing be held to establish the evidence required unless both telephone companies agree to the application. No protest was filed by Northeast Nebraska Telephone Company; however, applicant is still required to present evidence to establish its case, and, therefore, the motion should be overruled.

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 corporation organized and existing under the laws of the State of Nebraska with its principal place of business at Rural Route 1, Box 229, South Sioux City, Nebraska. It is engaged in farming operations on approximately 2200 acres.

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2. Leland George testified. He is president of the corporation and lives on the property. He has had telephone service from the Jackson exchange of Northeast Nebraska Telephone Company since 1957. In addition, Mr. George has had foreign exchange service to South Sioux City for approximately eight months. Most of his business and social calls are to South Sioux City, Sioux City, and Dakota City. In addition, because he has a South Sioux City address and a Jackson phone, he has experienced problems with mail delivery because mail is directed to Jackson, Nebraska. He indicated that the quality of service from the Jackson exchange was okay.

3. David George testified. He is treasurer of George Farm Company. Subsequent to the filing of the application, he moved a trailer home to the property between the residence of Leland George and Brad Altena, another employee. David George currently resides in the trailer. He has no telephone service at this time.

4. Brad Altena testified. He is an employee of George Farm Company residing on the property with telephone service from the Jackson exchange. He testified that his community of interest was South Sioux City and he desires to receive telephone service from South Sioux City.

5. Section 75-613 Neb. Rev. Stat. as amended requires that before granting an application such as this, the Commission must find that the evidence establishes several conditions, among them "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."

6. Applicant has failed to show that the existing exchange service of Northeast Nebraska Telephone Company is inadequate, Leland George having testified that the service was "okay". The application should therefore be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-739 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of September, 1987.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

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

Eric Rasmussen
Chairman

ATTEST:

Chuff
Executive Secretary