

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission on) APPLICATION C-819
its own motion determining the)
boundary between the Hartington) ORDER
exchange of the Hartington Tele-) DETERMINING
phone Company and the Wynot exchange) EXCHANGE BOUNDARY
of Great Plains Communications.)
Entered: Nov. 19, 1991

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

This matter was docketed August 7, 1990 on the Commission's own motion to determine the boundary between the exchanges in caption above. Notice of the hearing scheduled for May 29, 1991 was made by first class mail to all affected subscribers April 19, 1991; notice was also given to the affected telephone companies. Great Plains Communications ("Great Plains") filed a motion May 28, 1991 to bifurcate the hearing; the May 29th hearing being limited to receiving citizen input regarding the application with a second hearing sixty days later reserved for presentation of evidence by Great Plains and Hartington Telephone Company ("Hartington").

Hearing was held May 29, 1991 in Hartington, Nebraska. Testimony was received from various individuals as recorded in the hearing transcript. Hartington and Great Plains appeared at the second hearing held October 24, 1991 in Hartington and entered into the record a stipulation (Exhibit 2) and agreement and map (Exhibit A) by which the companies agreed to a boundary between the exchanges.

The public interest is best served by a boundary established and set between the respective certificated areas of Great Plain's Wynot exchange and the Hartington exchange. This boundary should place the area as generally shown by the map in Exhibit A which is currently served by both exchanges solely within the Hartington exchange.

Further, the public interest is best served by those residents of Bow Valley, Nebraska, now receiving service from Great Plains, being entitled to retain their existing service so long as they remain a subscriber thereof. These subscribers are identified by late-filed Exhibit 4.

The Commission finds the terms and conditions of the stipulation and agreement executed by Great Plains and Hartington reasonable and in the public interest upon consideration of the particular and unique factual circumstances which exist in Bow Valley. The subscriber list

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(Exhibit 4), and agreement and map (Exhibit A) should be approved and incorporated by reference into this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the boundary between the certificated areas of the Great Plains Communications Wynot exchange and of the Hartington Telephone Company shall be as shown on the map attached to the agreement marked Exhibit A. This boundary places the area as generally shown by the map in Exhibit A currently served by both exchanges solely within the Hartington exchange. Great Plains and Hartington are ordered to both prepare and file with the Commission new boundary maps reflecting the boundary change within a reasonable time after the entry of this order.

IT IS FURTHER ORDERED that all existing Great Plains subscribers located in Hartington's certificated area as a result of the boundary established by this order and listed in Exhibit 4 shall be grandfathered to receive service from Great Plains so long as such subscribers desire in their present location. This grandfather right shall pertain only to these current Great Plains subscribers and shall not run with the property either through sale, assignment, or lease.

IT IS FURTHER ORDERED that Exhibit A and Exhibit 4 are approved and incorporated into this order by reference and made a part thereof.

MADE AND ENTERED at Lincoln, Nebraska this 19th day of November, 1991.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel G. Urvil
Duane D. Gay

//s//Frank E. Landis
//s//James F. Munnely
//s//Eric Rasmussen

James F. Landis
Chairman

ATTEST:

Eric Rasmussen
Executive Director