

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. C-824
Public Service Commission on its)
own motion to determine the)
boundary between the Cozad) ORDER ENTERED AND
Exchange of the Cozad Telephone) DUAL SERVICE AREA
Company, Cozad, Nebraska and the) FINALIZED
Lexington Exchange of U.S. West,)
Omaha, Nebraska.) Entered: May 31, 1994

BY THE COMMISSION:

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

On July 10, 1990, the Commission placed an entry in its official minutes directing telephone companies serving duplicate service areas to file new boundary maps removing the duplication in favor of the company actually providing service. The Commission also directed the Communications Department Staff (the "staff") to propose revised boundary maps removing any remaining duplicated service areas in Nebraska subsequent to 30 days notice to the affected subscribers in those service areas.

In this particular docket, both Cozad Telephone Company ("Cozad") and US West provide duplicated service in Darr, Nebraska. According to the companies, neither predominantly serves the Darr area and there is no community of interest in favor of either company.

In response to correspondence from the staff, both companies negotiated a settlement to the duplicated service area and presented it to the staff March 14, 1994 (which is incorporated by reference and attached to this order as Exhibit 1). This is basically a "grandfather" agreement which the Commission has used before to address similar circumstances. Staff informed all the affected subscribers April 7, 1994 by certified mail about the proposed settlement and its contents.

After review of the proposed settlement and learning there is virtual community consent to it, the Commission is of the opinion and finds that the public interest is best served by adoption of the settlement's terms. Both companies service area maps should be revised to designate the Darr special service area as a result of this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that local exchange service in the duplicated service area of Darr, Nebraska be and it is hereby established by the terms of the settlement proposed by Cozad Telephone Company and US West as follows:

1. The terms of the proposal are strictly limited to the area of Darr, Nebraska as currently defined (the Darr special

service area). In no case shall this order be considered a precedent for other areas in the two companies' franchised territories.

2. All telephone service to existing locations in Darr will continue to be provided by the company presently providing service, i.e., all service will be "grandfathered" on a location-by-location basis except as outlined in subsection 4 below.

3. The access line growth in Darr has been and is anticipated to remain small. Any new location presently not having telephone service shall be provided new service either to Cozad or U.S. West (but not both), at the option of the new subscriber. Once selected, the service to that location becomes grandfathered as in subsection 2.

4. Recognizing that there is a divided community of interest in Darr, and that the division may not always correspond to the current provision of service on a location-by-location basis, subscribers of either company, as well as new subscribers, may request a change of existing (grandfathered) service from one company to the other. To demonstrate a sufficient desire for a service change on the part of the subscriber and to minimize the number of trivial requests, a fee of \$250 shall be required of each subscriber making such a request. This fee will be paid to the company losing the subscriber in question and is to be considered compensation for the loss of that subscriber. The company from which the subscriber is requesting new service will then charge only their usual tariffed rates for service connection.

5. At the present time, there are three business subscribers that have dual service in Darr, i.e., simultaneous dial tone from both companies. Recognizing that dual service may well be critical for their survival, such dual service will be grandfathered on a case-by-case basis irrespective of who operates those businesses until such time as those businesses cease to operate.

6. Both companies shall revise their service area maps to designate the Darr special service area.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of May, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel G. Mueller
Duane D. Gay

//s//Rod Johnson
//s//Frank E. Landis, Jr.

John J. Sander
Chairman

ATTEST:

David R. King
Executive Director