

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission on its own motion to determine the boundary between the Pierce Exchange of the <i>Pierce Telephone Company</i> , Pierce, Nebraska and the Plainview Exchange of the <i>Plainview Telephone Company</i> , Plainview, Nebraska.	) Application No. C-844
	) ORDER ENTERED AND
	) DUAL SERVICE AREA
	) FINALIZED
	) Entered: October 27, 1993

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 Plainview Telephone Company ("Plainview") and Pierce Telephone Company ("Pierce") provide duplicated service in Foster, Nebraska and have done so for more than thirty years. According to the companies, neither predominantly serves the Foster 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 August 31, 1993 (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 September 10, 1993 by certified mail about the proposed settlement and its contents. Of 33 subscribers notified, only one voiced any reservations to the plan.

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 current service area maps showing the Foster area in question should remain the same 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 Foster, Nebraska be and it is hereby established by the terms of the settlement proposed by Plainview Telephone Company and Pierce Telephone Company as follows:

1. The terms of the proposal are strictly limited to the village limits of Foster, Nebraska as currently defined (the Foster 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 Foster 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 Foster has been and is anticipated to remain small. Any new location presently not having telephone service shall be provided new service either to Pierce or Plainview (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 Foster, 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 five business subscribers and one residential subscriber that have dual service in Foster, i.e., simultaneous dial tone from both companies. In the case of the residential subscriber, this dual service will be

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grandfathered so long as the present subscriber maintains such service at that location. However, when a new request for service is made at that location, the new subscriber will have to choose service from either company and cannot have both provide service. In the case of the business subscribers, 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.

MADE AND ENTERED at Lincoln, Nebraska this 27th day of October, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring

*Daniel H. Hurler*  
*Duane D. Gay*

//s//Rod Johnson  
//s//Frank E. Landis, Jr.  
//s//James F. Munnelly

*Joel Sander*  
Chairman

ATTEST:

*Dwight R. Hunsinger*  
Executive Director

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August 27, 1993

EXHIBIT 1

Mr. M. Gene Hand  
Director of Communications  
Nebraska Public Service Commission  
300 The Atrium, 1200 N Street  
Lincoln, Nebraska 68509-4927

RECEIVED  
AUG 31 1993  
ACCT. & FIN. DEPARTMENT  
Nebr. Public Service Commission

Dear Mr. Hand:

In response to the Commission's effort to eliminate duplicated service areas in Nebraska, the Pierce and Plainview Telephone Companies have recently held discussions concerning duplicated service in the Village of Foster. As you know, this issue is particularly difficult to resolve because Foster has been included within the franchise boundaries of both the Pierce and Plainview Telephone Companies for more than thirty years. Each company has approximately the same number of access lines in Foster and there is no clear community of interest favoring either Pierce or Plainview at the present time. The public interest would not be well served by forcing the residents of Foster to accept telephone service from only the Pierce or Plainview Telephone Company. The objective of our discussions has been to formulate a policy which is reasonably easy to administer and, most importantly, is in the best interests of the residents of Foster. The elements of our proposed policy, which we invite the Commission to consider, are as follows:

1. The terms of this policy are to be strictly limited to the Village limits of Foster as currently defined (the Foster special service area). In no case shall this policy be considered a precedent for other areas in our franchised territories.
2. All telephone service to existing locations in Foster will continue to be provided by the company presently providing service - that is, all service will be "grandfathered" on a location-by-location basis - except as outlined in (4) below.
3. The access line growth in Foster has been and is anticipated to remain small. Any new location presently not having telephone service shall be provided new service either to Pierce or Plainview (but not both), at the option of the new subscriber. Once selected, the service to that location becomes grandfathered as in (2) above.

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4. Recognizing that there is a divided community of interest in Foster, 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 five business subscribers and one residential subscriber that have dual service in Foster - that is, simultaneous dial tone from both telephone companies. In the residential case, this dual service will be grandfathered so long as the present subscriber maintains such service at that location. However, when a new request for service is made at that location, the new subscriber will be required to choose service from either Pierce or Plainview but may not receive both. Concerning dual service for the businesses in question, recognizing that such dual service may well be critical to the survival of those businesses in Foster, such dual service will be grandfathered, on a case-by-case basis irrespective of who may operate those businesses, until such time as those businesses cease to operate.

We look forward to the Commission's consideration of this proposed policy. Please feel free to contact us with any questions or concerns that you may have.

Sincerely,



William E. Fogle  
Vice President  
Pierce Telephone Company, Inc.



William F. Nye  
President  
Plainview Telephone Company, Inc.