

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska	) Application No. C-860
Public Service Commission on its	)
own motion to determine the	)
boundary between the Yutan	) ORDER ENTERED AND
Exchange of the Lincoln Telephone	) DUAL SERVICE AREA
Company, Lincoln, Nebraska and	) FINALIZED
the Fremont Exchange of the US	)
West, Omaha, Nebraska.	) Entered: April 12, 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 Lincoln Telephone Company ("Lincoln") and US West provide duplicated service in Leshara, Nebraska. According to the companies, neither predominantly serves the Leshara 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 2, 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 March 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 current service area maps showing the Leshara 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 Leshara, Nebraska be and it is hereby established by the terms of the settlement proposed by Lincoln Telephone Company and US West as follows:

1. The terms of the proposal are strictly limited to the village limits of Leshara, Nebraska as currently defined (the Leshara 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 Leshara 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 Leshara has been and is anticipated to remain small. Any new location presently not having telephone service shall be provided new service either to Yutan or Fremont (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 Leshara, 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.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of April, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Daniel H. Kuyler*  
*Duane D. Gay*

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

*Harold Landis*  
Chairman

ATTEST:

*Doger R. May*  
Executive Director