

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1244  
of Jerry & Renee Bauer, Lonny & )  
Jeanne Timperley, Dave & Char- )  
lotte Reifert, Tom Marks, Keith )  
Gradert, Myron Wagner, Randy & )  
Dorinda Janke, Alan Strong, )  
George Meyer, Justin Fauss, Dave )  
& Donna Lichtenberg, Jerry & )  
Karen Zimmerman, James & Pamela ) MOTION SUSTAINED IN PART  
Speidel, Alan & Marie Rundell, )  
Mike Krueger, Rudolph Pavlik, )  
Anthony Wehrer, David Johnson, )  
Robert Hoffman, Mike & Lori Mil- )  
ler, Larry Beltz & Raymond Wal- )  
ker of Norfolk, seeking authority )  
to receive telephone service from )  
the Norfolk exchange of US West )  
Communications ) Entered: May 21, 1996

BY THE COMMISSION:

On November 17, 1995, Pierce Telephone Company, Incorporated filed its motion to dismiss the application in caption on grounds that:

1. The interests of the Applicants are separate and therefore they are improperly joined as Applicants; and
2. Applicants David B. Johnson and Mike Krueger lack standing to file because they do not have service from Protestant.

Oral arguments were heard May 20, 1996. The parties appeared through their attorneys of record. From the arguments made, the Commission finds that the motion to dismiss on grounds of misjoinder should be overruled. The Commission will require each of the Applicants who have joined in this application to make his or her own case. We can see no merit in forcing these Applicants to file separate applications only to have them heard on a consolidated record, which would be our approach if all of them were forced to plead separately.

Protestant's counsel advised the Commission that since the filing of the motion, Mike Krueger had become a subscriber of the Protestant. The motion regarding Mr. Krueger should be overruled and he should be allowed to pursue this application along with all of the other Applicants, except David B. Johnson, who, the argument showed, is not a subscriber. The motion as it pertains to Mr. Johnson should be sustained.

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O R D E R

IT IS THEREFORE ORDERED that this matter proceed in accordance with the foregoing findings.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of May, 1996.

COMMISSIONERS CONCERNING:



//s//Rod Johnson  
//s//Frank E. Landis  
//s//James F. Munnely  
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:



Executive Director

