

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-4210
of Rod Niles, Aurora, seeking)
authority to receive telephone)
service from the Henderson) GRANTED
Exchange of Mainstay)
Communications, Henderson.) Entered: December 1, 2009

BY THE COMMISSION:

On September 17, 2009, an application was filed by Rod Niles, of Aurora, Nebraska, seeking authority for a boundary change to receive telephone service from the adjacent exchange of Mainstay Communications ("Mainstay"), Henderson, Nebraska, in lieu of his current telephone service from Windstream Nebraska Inc. ("Windstream"), Little Rock, Arkansas. Notice of the application was published in The Daily Record, Omaha, Nebraska, on September 22, 2009.

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

Mainstay and Windstream are local exchange carriers holding certificates of public convenience and necessity to provide local exchange service in their respective territories. Rod Niles resides within the boundaries of Windstream's Sutton exchange, and has requested a boundary change so that he may receive local exchange service from Mainstay. Windstream has notified the Commission that it does not oppose the proposed boundary change. An exchange map showing the revisions to the exchanges and reflecting the boundary change was provided to the Commission.

Changes of a local exchange territory are governed by *Neb. Rev. Stat.* §§ 86-135 to 86-138. Section 86-135 states that only upon non-consent of all telephone carriers involved shall the Commission hold a public hearing in the application. With no protest filed by any party and with each of the affected local exchange carriers consenting to the boundary change, the Commission processes this application administratively and without a public hearing.

The Commission finds that, in light of the agreement between all parties involved, the application is in the public interest and should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4210 be, and it is hereby, granted.

IT IS FURTHER ORDERED that Mainstay Communications, Inc. and Windstream Nebraska Inc. submit revised boundary maps to the Commission within 30 days from the date of this order.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of December, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-4210

Page 2

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4210 be, and it is hereby, granted.

IT IS FURTHER ORDERED that Mainstay Communications, Inc. and Windstream Nebraska Inc. submit revised boundary maps to the Commission within 30 days from the date of this order.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of December, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald F. Vay

Steven Sundus
Chairman

Robert Johnson

ATTEST:

Anne C. Boyle

Michael J. J. J.
Executive Director

Tim Schram

//s// Frank E. Landis