

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of K & M Telephone) Application No. C-4456
Company, Inc., Chambers, seeking)
a waiver of the requirement of) GRANTED
Title 291 NAC Ch.5, Rule 002.06)
regarding public pay stations.) Entered: June 5, 2012

BY THE COMMISSION:

On March 29, 2012, the Nebraska Public Service Commission ("Commission") received a request from K & M Telephone Company, Inc. ("K & M" or "Company"), Chambers, Nebraska, for a waiver of the requirement contained in Title 291 NAC Ch.5, Rule 002.06 of the Commission's Telecommunications Rules and Regulations regarding public pay stations. Notice of the waiver request was published in The Daily Record, Omaha, Nebraska, on April 2, 2012. No protests were filed to the waiver sought by the Company; therefore, this docket is processed pursuant to the Commission's rule of modified procedure.

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

K & M is a local exchange carrier holding a certificate of public convenience and necessity to provide local exchange service in the State of Nebraska. Title 291 NAC Ch.5, Rule 002.06 of the Commission's Telecommunications Rules and Regulations states,

In each municipality served by an exchange carrier where public convenience requires it, the exchange carrier shall supply at least one public pay station that will be available to the public on a 24-hour basis. The requirement for this facility may be waived by the Commission for reasons such as: abusive vandalism or damage, excessive cost of maintaining the pay station, or lack of use.

In its March 27, 2012 letter, K & M states in support of its waiver request three reasons why the Commission should grant the requested waiver: 1) Lack of use due to the widespread availability of wireless telephone service; 2) excessive cost, revenue from the pay station in 2011 totaled \$19.58 while it cost the Company \$1,469.14 to operate, resulting in a \$1,449.56 loss to the Company and upcoming costs associated with relocating the pay station due to road construction in Chambers; and 3) damage to the pay station in previous years.

Upon consideration of the waiver request, the Commission is of the opinion and finds that in light of the reasons cited by K & M, including lack of use, excessive cost, and damage, the requested waiver is reasonable and should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the waiver of Title 291 NAC Ch.5, Rule 002.06 sought by K & M Telephone Company, Inc., be, and is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of June, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-4456

Page 2

Upon consideration of the waiver request, the Commission is of the opinion and finds that in light of the reasons cited by K & M, including lack of use, excessive cost, and damage, the requested waiver is reasonable and should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the waiver of Title 291 NAC Ch.5, Rule 002.06 sought by K & M Telephone Company, Inc., be, and is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of June, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s// Rod Johnson
//s// Frank Landis

Chairman



ATTEST:



Executive Director