

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Hartington) Application No. C-4520
Telecommunications Co., Inc.)
d/b/a Hartelco, Hartington,)
seeking a waiver of the) GRANTED
requirement of Title 291 NAC)
Ch.5, Rule 002.06 regarding)
public pay stations.) Entered: October 30, 2012

BY THE COMMISSION:

On September 18, 2012, the Nebraska Public Service Commission ("Commission") received a request from Hartington Telecommunications Co., Inc. d/b/a Hartelco, ("Hartelco" or "Company"), Hartington, 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 September 20, 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

Hartelco 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 September 11, 2012 letter, Hartelco states in support of its waiver request two reasons why the Commission should grant the requested waiver: 1) Lack of use due to the widespread availability of wireless telephone service; and 2) excessive cost, revenue from the pay station in 2011 totaled \$11.25 while it cost the Company over \$1,000 to operate resulting in a loss to the Company and upcoming costs associated with relocating the pay station due to construction to the

sidewalk and curb where the pay station is located. Further, the company cited continuing costs to repair the pay station after it was damaged due to vandalism.

Upon consideration of the waiver request, the Commission is of the opinion and finds that in light of the reasons cited by Hartelco, including lack of use, excessive cost, and vandalism, 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 Hartington Telecommunications Co., Inc. d/b/a Hartelco, be, and is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of October, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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sidewalk and curb where the pay station is located. Further, the company cited continuing costs to repair the pay station after it was damaged due to vandalism.

Upon consideration of the waiver request, the Commission is of the opinion and finds that in light of the reasons cited by Hartelco, including lack of use, excessive cost, and vandalism, 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 Hartington Telecommunications Co., Inc. d/b/a Hartelco, be, and is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of October, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schraw

Aaron Boyle
Frank E. Landis

Chairman

Rod Johnson

ATTEST:

Phil H. [Signature]

Executive Director

//s//Rod Johnson

//s//Frank E. Landis