

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-4796
of Traci Hartley, Bassett,)
seeking authority to receive)
advanced telecommunications) ORDER OF PENDING DISMISSAL
services from the Long Pine)
Exchange of Northeast Nebraska)
Telephone Company.) Entered: December 1, 2015

BY THE COMMISSION:

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

On September 21, 2015, the Nebraska Public Service Commission (Commission) received an application from Traci Hartley, (Applicant) of Bassett, Nebraska, seeking authority to receive advanced telecommunications services from the Long Pine Exchange of Northeast Nebraska Telephone Company (NNTC) in lieu of her current service from the Bassett Exchange of the Rock County Telephone Company (Rock County). Notice of the application was published in The Daily Record, Omaha, Nebraska, on September 24, 2015.

On September 30, 2015, the Commission received a letter from NNTC stating they were in receipt of the above-captioned application from Ms. Hartley, however, they have declined to provide service to her at this time. Cullen Robbins, a Commission staff member that works with boundary applications, contacted the Applicant regarding NNTC's letter. The Applicant was advised to contact NNTC to explore the possibility of reaching some kind of arrangement with NNTC and then advise the Commission on how she would like to proceed. Contact with NNTC has revealed that the Applicant has made no attempt to contact the carrier.

Changes of a local exchange territory are governed by *Neb. Rev. Stat. §§ 86-135 to 86-138*. However, the Commission has no authority to require a telecommunications carrier to expand its facilities and enlarge its territory to serve a specific customer against the wishes of the carrier. Therefore, if the application proceeds, the Commission will have no other option than to dismiss the application.

Repeated attempts by Mr. Robbins to contact the Applicant via phone on both a home number and wireless number have gone unreturned. Mr. Robbins informed Commission attorney, Nichole Mulcahy, of the status of the application and the lack of response from the Applicant. On November 10, 2015, Ms. Mulcahy attempted to make telephone contact on both a home number and wireless number with Ms. Hartley, leaving a voicemail requesting

Application No. C-4796

Page 2

she contact the Commission at her earliest convenience to discuss the Application.

As of the date of this order, the Commission has received no further response or communication of any kind from the Applicant. Therefore, we find that a deadline for action to be taken by the Applicant in this docket should be set. If the Commission does not receive any communication or direction from the Applicant concerning this Application by **January 8, 2016**, the Commission will dismiss the application for failure by the Applicant to take timely action.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a deadline for communication with the Commission by the Applicant, Ms. Traci Hartley in Application No. C-4796, be and is hereby set for **January 8, 2016**.

IT IS FURTHER ORDERED that if the Applicant fails to take action by **January 8, 2016**, in Application No. C-4796, the Commission will exercise its authority to enter an order dismissing the application.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 8th day of December, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram
Crystal Knoder
Reel Jensen

Chairman *Gerald L. Vay*

ATTEST:

Jeffrey L. Puley
Executive Director