

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Bedford Marketing Group, Ltd.,  
Omaha, Nebraska

Complainant,

vs.

Northwestern Bell Telephone Company,  
Omaha, Nebraska

Defendant,

FC-1163

OVERRULED

Entered: April 12, 1983

APPEARANCES: For the Complainant  
John D. Sykora, Attorney  
13075 Sky Park Drive  
Omaha, Nebraska  
  
For the Defendant  
Richard L. Johnson, Attorney  
100 South 19th Street  
Omaha, Nebraska

OPINION AND FINDINGS

BY THE COMMISSION:

By formal complaint filed August 11, 1982, Bedford Marketing Group, Ltd., Omaha, Nebraska, seeks a review of disputed charges billed by Northwestern Bell Telephone Company, Omaha, Nebraska.

Pursuant to notice required by law, public hearing was held on the formal complaint on February 7, 1983, at 9:30 a.m. in the Commission Hearing Room, Lincoln, Nebraska with appearances as set forth above.

Upon consideration of the formal complaint, the evidence adduced at the hearing and being fully advised, the Commission is of the opinion and finds that:

1. Complainant is a Nevada corporation authorized to do business in the State of Nebraska. Complainant is a telephone subscriber in Omaha, Nebraska.
2. Defendant is a common carrier furnishing local and long distance telephone service in a number of telephone exchanges in Nebraska, including Omaha, Nebraska.
3. During 1981 the complainant was engaged in the advertising and promotion of resort property using interstate WATS lines.
4. Complainant commenced business in April 1981 and paid its telephone bills until November when it received a bill which included WATS usage charges for July, August, September and October. Complainant contends that it should not be required to pay the back billing for these months since it had previously paid in full the telephone bills for those months and the way in which it billed its clients would preclude it from passing such charges on to them.
5. Defendant indicates that during the time in question it was involved in extensive changes in the 800 WATS service which included changes in the computer program related to billing. In addition, on July 10, 1981, the complainant moved to a new location and added two lines. In processing this order an error caused the usage records for the complainant's service to be identified with a non-working number. As a result, no usage was billed to the complainant's number between July 10th and the November bill.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

FC-1163

Page two

6. The evidence indicates that complainant was aware that its telephone bill had declined. Exhibits 2 through 6 are copies of the bills showing WATS and other charges as follows: July, \$7,276.71; August, \$2,906.20; September, \$144.23; October \$144.23, November \$44,612.51. The November bill was later reduced to \$41,850.48 and has not been paid.

7. Defendant's tariff approved by the Commission provides that "Failure to receive a bill does not exempt the subscriber from prompt payment of his account." Statutes require that common carriers charge tarified rates and no more or no less.

8. The formal complaint should be overruled.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that FC-1163 be and it is hereby overruled.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of April, 1983.

NEBRASKA PUBLIC SERVICE COMMISSION

*Harold D. Simpson*  
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

*Duane D. Gay*

*Terrence L. Kubiak*  
Executive Secretary