

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

ATS Mobile Telephone, Inc.)	FC-1176
Omaha, Nebraska,)	
Complainant,)	
vs.)	DISMISSED
Answer Omaha, Inc.,)	
Omaha, Nebraska)	
Defendant,)	Entered: April 12, 1983

OPINION AND FINDINGS

BY THE COMMISSION:

By formal complaint filed March 25, 1983, ATS Mobile Telephone, Inc., Omaha, Nebraska charged that Answer Omaha, Inc., Omaha, Nebraska was offering the resale of paging equipment without a certificate.

Complainant at the same time filed a motion for temporary order to cease and desist, which motion was overruled by this Commission on March 29, 1983.

Defendant filed its answer to the complaint on April 7, 1983.

ATS in its complaint charges that Answer Omaha is reselling the paging service of Northwestern Bell Telephone Company in Council Bluffs, Iowa. The Commission has approved tariffs of Northwestern Bell which allow resale of its paging service upon issuance of a certificate of convenience and necessity to the reseller and filing of tariffs. Answer Omaha has made application for a certificate, which application was granted by the Commission on April 4, 1983.

The area covered by Northwestern Bell's paging service includes, in addition to Omaha, Nebraska the city of Council Bluffs, Iowa. Paging service in the State of Iowa is beyond the scope of this Commission's jurisdiction.

Having considered the formal complaint, the answer thereto and being fully advised, the Commission is of the opinion and finds that the formal complaint should be dismissed.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that formal complaint No. FC-1176 be and it is hereby dismissed.

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

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

COMMISSIONERS CONCURRING:

John S. Simpson
Executive Secretary