

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Maenner Company, Creative Land Consultants,)	FC-1200
Inc. and other Complainants who have signed)	
Complaint, Omaha, Nebraska,	)
	)
Complainants,	)
	)
vs.	) DISMISSED AS SATISFIED
	)
Northwestern Bell Telephone Company	)
Omaha, Nebraska,	)
	)
Defendant	) Entered: February 4, 1986

OPINION AND FINDINGS

BY THE COMMISSION:

By formal complaint filed September 27, 1985, Maenner Company, Creative Land Consultants and others charged that Northwestern Bell Telephone Company's tariff for land development construction charges was unlawful.

Defendant's Answer, filed October 21, 1985 generally denied the allegations contained in the complaint.

Public hearing scheduled for February 3, 1986 in Omaha, Nebraska was cancelled upon the filing of a Stipulation and Agreement between the parties.

Defendant's tariff establishing facilities charges for new areas of land development was approved by the Commission on August 2, 1983 and provided three options for paying charges.

The Stipulation and Agreement filed in this matter is incorporated herein by reference. It provides for changes and additions to defendant's tariff.

The second payment option is amended to delete reference to payment of 50% of construction costs and insert instead a provision for payment of \$200 for each lot.

A fourth option is added which provides for payment of \$450 by each unimproved lot owner if 90% of the lots are not improved within 5 years.

The Stipulation and Agreement also provides that complainant's may take advantage of the new option in connection with existing developments.

Upon consideration of the formal complaint, the Stipulation and Agreement and being fully advised, the Commission is of the opinion and finds that the Stipulation and Agreement should be accepted, defendant's tariff should be amended as set forth therein and the formal complaint should be dismissed as satisfied.

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ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that FC-1200 be and it is hereby dismissed as satisfied.

IT IS FURTHER ORDERED that the Stipulation and Agreement referred to in the Opinion and Findings be and it is hereby accepted and Northwestern Bell Telephone Company be and it is hereby authorized to revise its tariff for facilities charges for land development in accordance with the Stipulation and Agreement.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of February, 1986.

NEBRASKA PUBLIC SERVICE COMMISSION

*Bob Brayton*  
Chairman

ATTEST:

*Donald Adams*  
Executive Secretary

COMMISSIONERS CONCURRING:

*Duane D. Gay*  
Duane D. Gay  
Bob Brayton  
James F. Munnely  
Eric Rasmussen  
Harold D. Simpsons