

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the unauthorized) F.C. 1215
use of an Automatic Dialing))
announcing device by Gary Fornia dba) ORDER TO CEASE
Events Marketing/Events Publishing.) AND DESIST
)
) Entered: April 5, 1988

OPINION AND FINDINGS

BY THE COMMISSION:

COMES NOW, Herbert J. Sherdon, Director of Communications for the Nebraska Public Service Commission and respectfully petitions the Commission to enter an order disconnecting service to prohibit the use of an unauthorized automatic dialing-announcing device by Gary Fornia, dba Events Marketing/Events Publishing in the State of Nebraska.

The serving telephone companies currently are Northwestern Bell Telephone Company located in Omaha, Nebraska, and The Lincoln Telephone and Telegraph Company located in Lincoln, Nebraska.

On Wednesday, March 30, 1988, the Commission was asked by the Lincoln Police Department (LPD) to verify if Gary Fornia, dba Events Marketing/Events Publishing had an automatic dialing permit. LPD advised the Commission that they have received complaints regarding the operations of seven (7) machines in Lincoln, Nebraska which were soliciting the local Lincoln and Omaha communities. No permits have been recorded or granted.

Pursuant to Commission procedure on April 1, 1988, the Commission staff contacted Gary Fornia and spoke with him regarding a permit application which was submitted on March 31, 1988. He was advised to seek a permit by filing a proper filing fee and by amending the application to correct errors regarding the time the machines were to operate. Later that day Mr. Fornia said he was withdrawing his application and asked that his \$10.00 check be sent to an address in Omaha.

On April 5, 1988 The LPD office informed this Commission at an emergency session of the Public Service Commission that calls made by Gary Fornia, dba Events Marketing/Events Publishing were still being placed in Lincoln, Nebraska and they had received a complaint about a call that morning.

Upon consideration of the formal complaint, the records and files and being fully advised the Commission is of the opinion and finds that all telephone companies shall immediately suspend or disconnect service to Gary Fornia dba Events Marketing/Events Publishing.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all companies shall immediately notify Gary Fornia, that service will be suspended or disconnected by reason of this order that service may only be reestablished with an order by the Commission after an application for an automatic dialing permit has been granted. The provisions of this order regarding installation of service shall apply to all telephone companies in Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 5th, day of April, 1988.

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller

Chairman

COMMISSIONERS CONCURRING:

Quane D. Gay

//s//James F. Munnelly

//s//Eric Rasmussen

//s//Harold D. Simpson

//s//Daniel G. Urwiller

ATTEST:

John Burvick

Acting Executive Secretary