

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Richard J. Ternes)	FC-1239
Columbus, Nebraska)	
Complainant,)	
vs.)	DISMISSED AS SATISFIED
GTE Midwest Incorporated,)	
a telecommunications corporation,)	
Defendant.)	
		Entered: January 31, 1993

APPEARANCES

For the Complainant

Richard J. Ternes
P.O. Box 811
Columbus, NE
68602-0811
402.564.4737

For GTE Midwest Incorporated

Wm. Kolb, Esq.
GTE Telephone Operations
1000 GTE Drive P.O. Box 307
Wentzville, MO 63385
314.639.3607

BY THE COMMISSION

OPINION AND FINDINGS

Complainant Richard J. Ternes, Columbus, Nebraska, a subscriber of Defendant GTE Midwest Incorporated's (GTE's) telephone service, filed a formal complaint December 6, 1993. In the complaint, Ternes complained in summary that the proposed closing of GTE's business office in Columbus, Nebraska constituted affected the quality of service rendered to subscribers served by the Columbus office. GTE scheduled the closing for the end of December, 1993. The complaint was served on GTE as provided by the Commission's rules and GTE timely filed an answer generally denying the contents of Ternes' complaint December 22, 1993. GTE also voluntarily maintained the office open during the pendency of this proceeding.

Hearing on the complaint was scheduled for January 14, 1993 in the Columbus City Council Chambers. Immediately prior to the hearing, the parties entered into an oral stipulation satisfactory to both and maintaining the office open in Columbus. The stipulation ("Statement of Satisfaction and Acceptance Thereto") was subsequently reduced to writing and is attached to this order as Appendix A. The hearing was formally opened for the benefit of the public and the contents of the stipulation were explained on the record.

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Upon consideration of the pleadings, the terms of the stipulation, the hearing, and the satisfactory resolution of the complaint between the parties, there is no longer a case or controversy before this Commission and the complaint should be dismissed as satisfied with the terms of the stipulation incorporated by reference into this order.

Based on the above sequence of events and the resolution placed before us for review, the proposed stipulation to the complaint is fair and reasonable and is in the public interest.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that FC-1239 be, and it is hereby, dismissed as satisfied.

IT IS FURTHER ORDERED that the parties abide by the contents of this order and by the stipulation which is incorporated by reference herein.

MADE AND ENTERED at Lincoln, Nebraska this 31st day of January, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING

Daniel B. Unwill
Duane D. Gay

//s//Rod Johnson
//s//Frank E. Landis, Jr.
//s//James F. Munnelly

Joel Sandy
Chairman

ATTEST:

John R. King
Executive Director

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Richard J. Ternes
of Columbus, Nebraska,

Complainant,

v.

GTE North, Inc.
A telecommunications
corporation,

Defendant.

ACCT. & ENCL. DEPARTMENT
Nebr. Public Service Commission

Formal Complaint No. 1239

STATEMENT OF SATISFACTION AND ACCEPTANCE THERETO

COMES NOW GTE Midwest Incorporated ("Defendant") and Richard J. Ternes ("Complainant") and, in accordance with § 005.08A of the Commission's Rules of Procedure, hereby jointly files this Statement of Satisfaction and Acceptance Thereto in Formal Complaint No. 1239 (the "Complaint"), hereby settling and resolving the Complaint on the terms and conditions as follows:

1. The Complaint involves the Defendant's decision to close its local telephone service office located in Columbus, Nebraska in accordance with Defendant's previous public announcement. Prior to the Defendant's decision to close the office, the office provided the services indicated in the column identified below as "PRE-COMPLAINT". In order to settle this dispute, Defendant agrees to not close the office as it indicated it would do, but to maintain the office to provide the services indicated in the column identified below as "POST-COMPLAINT":

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PRE-COMPLAINT

POST-COMPLAINT

(1) Accept customer payments

Yes

Yes

(2) Distribute telephone directories from on-hand supply on request and submit other directory orders for processing.

Yes

Yes

(3) Rent or sell telephone instruments from stock on-hand and sale of local exchange service packages such as SMARTCALL® and CLASS.

Yes

No, but provide assistance with placing order to "800" access number.

(4) Minor repair of some telephone instruments.

Yes

No, but will be directed to repair center unless customer subscribes to maintenance agreement.

(5) Inform the customer that questions about new/existing service, charges or items on bills, or repair service should be directed to GTE's various "800" access numbers. A phone is provided in the office for this connection.

Yes

Yes

Office Hours:

9AM - 5PM,
M through F.

9AM - 1PM & 2PM -
5PM, M through F.
Lunch hour may
vary from above.

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2. Defendant's undertaking to maintain the Columbus office as provided herein is reviewable by the Defendant from time to time and the Defendant is not committing hereby to maintain the office for any specific period. Rather, the Defendant reserves the right to reevaluate its undertaking hereunder at any time.

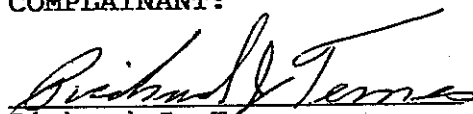
3. Complainant reserves the right to file a new complaint at any time.

4. Defendant agrees to place a listing in the front of the Columbus directory with the number of the office of the Defendant's Local Manager.

5. This Satisfaction and Acceptance does not constitute an acceptance by either party of the other party's assertions in their pleadings.


WHEREFORE, the parties hereby respectfully request that the Commission accept this Satisfaction and Acceptance on the terms and conditions contained herein and dismiss the Complaint.

COMPLAINANT:


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Telephone: (402) 564-8891
(402) 564-4737

DEFENDANT:

GTE MIDWEST INCORPORATED

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Attorneys for GTE Midwest
Incorporated

Dated: January 17, 1994