

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

FIRST ST. PAUL LUTHERAN CHURCH	)	Formal Complaint No. 1257
Hastings, Nebraska,	)	
Complainant,	)	
	)	Reconsideration
vs.	)	Approved in Part, Denied
	)	in Part
ALIAN T COMMUNICATIONS, INC.	)	
Lincoln, Nebraska,	)	
Defendant.	)	ENTERED: July 15, 1997

BY THE COMMISSION:

O P I N I O N   A N D   F I N D I N G S

By formal complaint filed October 25, 1996, First St. Paul Lutheran Church (St. Paul's) of Hastings, Nebraska, objected to Aliant Communications' (Aliant) reclassification of service for St. Paul's and other similarly-situated churches in the Hastings area. Aliant replied on November 12, 1996; and on March 7, 1997, the Commission held a hearing in Hastings. The Commission dismissed the complaint on June 11, 1997, after Aliant had filed a tariff setting out new service rates for St. Paul's and other similar churches throughout the entire Aliant area.

In his letter requesting reconsideration, Reverend Harold Stromer, senior pastor at St. Paul's, sets out two issues. First a refund or credit is requested for churches which were reclassified from residential rates to business rates during 1996. Second, the term "Church Business Rate" is offensive to Reverend Stromer in that church members, in his opinion, do not regard themselves as running a "business" in the sense that the term "business" is traditionally used.

Reverend Stromer's letter states, in part:

"...we feel there was a principle involved - that Aliant raised many churches to the business rate ten months to a year ago and claimed in the letter to churches that this was "approved" by the Nebraska Public Service Commission, when, in fact, it had not been approved. There was a false claim in the letter. We feel the amount charged to those churches who had rates raised in connection with that letter are due a refund or credit as this was an illegal action because of that wording. This wrong has not been addressed."

While Aliant's letter which notified churches of the reclassification certainly contained inaccurate information with respect to Public Service Commission approval, such inaccuracy does not rise to the level of an illegal act. The author of the

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letter clearly took a slapdash approach to his task and in his haste, sowed much of the lingering discontent which has continued to grow over the past several months. However, redress for this discontent cannot be found in a refund or credit.

The request for a refund or credit is problematic for the reason that most churches in the Aliant territory were paying business rates prior to and during 1996. If a refund or credit is provided to only St. Paul's (or to those other churches which were reclassified in 1996), discrimination between similarly situated subscribers would occur. Since granting undue preferences or advantage to certain subscribers is prohibited under Nebraska statutes, we decline to order the refund or credit requested by St. Paul's.

As for redress, we note the apology Aliant's witness made at the hearing concerning the inaccurate information in the letter.<sup>1</sup> Further, we note that the new service rates, which were prompted by St. Paul's filing a formal complaint, will result in a meaningful reduction of revenue for Aliant going forward.

St. Paul's objects to the class of service in question being described as a "business" type of rate or service. This Commission need not become embroiled in a philosophical debate over whether or not a larger church operates as a business. It is sufficient to note that since certain subscribers find such concept to be inappropriate and misapplied, and since the remedy can be promptly and easily effected by Aliant, the tariff should be refiled with the offending term deleted.

# O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that reconsideration of Formal Complaint No. 1257 be, and is hereby, granted in part, in that Aliant Communications shall remove the word "business" from its church tariff.

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<sup>1</sup>Aliant's witness testified, "Okay. Unfortunately, I regret that particular sentence in the letter about the Public Service Commission approving a tariff, if you will, on December 1, 1995. We did not change this controlling tariff sheet that is referenced in this letter to First St. Paul. Again, we regret that. It happened." (Tr. 30) The witness further testified, "Then, along came this letter, and, again, I certainly -- our company certainly regrets that sentence in there about the Commission approving that." (Tr. 40, 41)

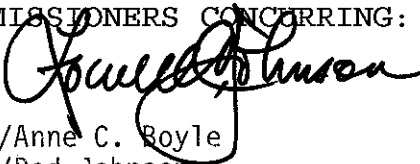
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IT IS FURTHER ORDERED that St. Paul's motion for reconsideration concerning a refund or credit of the monetary difference caused by the reclassification from residential to business rates during 1996 be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of July, 1997.

COMMISSIONERS CONCURRING:

  
//s//Anne C. Boyle  
//s//Rod Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:

Deputy Director



