

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the unauthorized) Application No. AD-112
use of an Automatic Dialing)
Announcing Device by Statewide)
Advertising, et. al. Roger Byers,) ORDER TO CEASE
Donald F. Byers, or Linda Byers.) AND DESIST

ENTERED: November 24, 1987

BY THE COMMISSION:

COMES NOW, the Nebraska Public Service Commission staff and respectfully petitions the Commission to enter an order disconnecting service to prohibit the use of an unauthorized automatic dialing-announcing device by Roger, Donald F. or Linda Byers in the State of Nebraska.

The serving telephone company currently is Northwestern Bell Telephone Company located in Omaha, Nebraska.

On Thursday, November 19, 1987, the Commission staff was asked by the Lincoln Police Department (LPD) to verify if Statewide Advertising-Dial for Dollars, 4501 S. 50th St, Suite 302, Omaha, Nebraska, had an automatic dialing permit. LPD advised the Commission staff that they had received complaints regarding the operations of eight (8) machines in Omaha, Nebraska, which were soliciting the local Lincoln and Omaha communities. No permits have been recorded or granted.

Pursuant to Commission procedure on Friday, November 20, 1987, the Commission staff contacted Statewide Advertising and spoke with Linda Byers and Donald Byers who admitted that they did not have a permit, nor were they leasing anyone else's permit. The Commission advised them to seek a permit by filing an application and to cease operating the devices until a permit has been granted. Donald Byers said he would file an application on Monday, November 23, 1987, and agreed to disconnect the machine. A letter was sent to verify this conversation.

On Monday, November 23, 1987, Roger Byers inquired about an application and permit for Statewide Advertising and a new company he was forming called Consumer Advertising and stated the eight devices were disconnected and not operating. Roger Byers was informed about a protest to his application and notified about procedures. Roger Byers did not submit an application and stated to Chris Dibbern and John Burvainis that the devices were turned off.

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On Monday, November 23, 1987, LPD informed the Commission they had recorded several consumer complaints over the weekend and had received an automatic telemarketing call from Statewide Advertising on one of their recorded lines on November 23, 1987.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all companies shall immediately notify Statewide Advertising that service will be suspended or disconnected by reason of this order and 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 in Lincoln, Nebraska, this 24th day of November, 1987.

NEBRASKA PUBLIC SERVICE COMMISSION

Eric Rasmussen
Chairman

COMMISSIONERS CONCURRING:

//s//Duane D. Gay
//s//James F. Munnelly
//s//Eric Rasmussen
//s//Harold D. Simpson
//s//Daniel G. Urwiller

ATTEST:

[Signature]
Executive Secretary