

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

ATS MOBILE TELEPHONE,)	Formal Complaint No. 1107
INC., OMAHA, NEBRASKA,)	
Complainant)	
)	MOTION FOR REHEARING DENIED
vs.)	
)	
GENERAL COMMUNICATIONS)	
COMPANY, OMAHA, NEBRASKA)	
Defendant)	Entered: April 3, 1978

APPEARANCES: Donald H. Erickson
 Attorney at Law
 10250 Regency Circle
 Omaha, Nebraska
 For the Complainant

Frank Meares
 Attorney at Law
 501 Turner Blvd.
 Omaha, Nebraska
 For the Defendant

BY THE COMMISSION:

OPINION AND FINDINGS

By Order issued January 16, 1978, the Nebraska Public Service Commission ordered the Defendant, General Communications Company, to cease and desist from operating as a radio common carrier in Nebraska intrastate commerce.

On January 26, 1978 the Defendant filed a MOTION FOR REHEARING and oral argument on said motion was set for February 14, 1978.

Defendant also filed, as post-hearing evidence, two letters from the Federal Communications Commission stating that the FCC has denied a petition for a cease and desist order against General Communications Company and that General Communications Company is in compliance of the Technical Rules of the FCC.

After consideration of arguements of both parties, the Commission is of the opinion, and finds that Defendants, post hearing evidence is not timely and therefore should not be accepted as evidence. Furthermore we are of the opinion that Defendants MOTION FOR REHEARING should be denied.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Defendants MOTION FOR REHEARING be, and it is hereby, denied.

IT IS FURTHER ORDERED, that Defendants post hearing offer of evidence be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of April, 1978.

NEBRASKA PUBLIC SERVICE COMMISSION

Deane D. Gay
 Chairman

COMMISSIONERS CONCURRING:

ATTEST

Ernest H. [Signature]
 Secretary