BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In Re Disposition of Property Tax Revenues For Taxable Year 1991 By Certain Affected Telecommunications Companies:	)	Application No. C-931(34)
	)	ORDER APPROVING DISPOSITION
Three River Telephone Company.	)	Entered: July 7, 1992

PRELIMINARY MATTERS

The Commission on its own motion opened this docket May 14, 1992 as a means of determining whether to approve plans submitted by certain affected telecommunications companies for the disposition of revenues resulting from decreases in personal property taxes for the taxable year 1991. This docket is governed by Neb. Rev. Stat. §86-803(9) (1991 Supp.).

Notice of hearing was sent to the above-named party May 29, 1992 by the Executive Director and hearing was scheduled for July 7, 1992. The Commission in its order opening this docket ruled that a plan for disposition would be approved, without a hearing pursuant to the Commission's modified procedure rule, if (a) there was no dispute as to the amount of revenue calculated for disposition and (b) if the respondent telephone company agreed to dispose of the revenues pursuant to one or more of the alternatives "pre-approved" by the Commission.

BY THE COMMISSION

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

The Commission, being fully advised, finds: Three River Telephone Company ("Three River") filed documentation with the Commission stipulating that the revenues subject to disposition by each company will be used in one or more of the following ways:

(1) used to install equipment necessary to provide 911 or E-911 service;
(2) used to implement Phase II of the Frame Relay project;
(3) used to install distance learning or other technology assisted educational systems for secondary and/or primary school districts;
(4) returned to the local governmental subdivision from which they came;
(5) refunded to the respondent's customers on a pro rata basis; or
(6) used to provide toll route diversity to improve network reliability.

The available revenue from the 1991 taxable year for disposition after various offsets is:

Three River - $21,473.[1]

The Communications Department's staff and the company concur with the figure calculated for the company. There being no issue as to the amount of revenue for disposition and Three River agreeing to disposition by one or more of the pre-approved methods, an order should be entered approving the disposition and cancelling the previously scheduled hearing. Further, the revenue subject to this order should be maintained in an interest-bearing account pending its actual disposition. Finally, disposition should be made as soon as is practicable for the alternatives selected.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the July 7, 1992 hearing scheduled for this company be, and it is hereby, cancelled.

IT IS FURTHER ORDERED that the proposed plan filed by the Three River Telephone Company for disposition of revenues resulting from decreased personal property taxes for the 1991 taxable year be, and it is hereby, approved pursuant to this order.

IT IS FURTHER ORDERED that this docket shall remain open and, if the outcome of pending litigation involving the depreciation surcharge results in adjustments to the depreciation surcharge and consequently to the amount of the offsets used in the calculation of revenues subject to disposition, (a) a new calculation of the additional revenues shall be made and confirmed for Three River, and (b) Three River shall stipulate to the disposition of those additional revenues.

IT IS FURTHER ORDERED that the revenue subject to this order shall be maintained in an interest-bearing account pend-

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[1] Commission staff accepted certain offsets in arriving at each company's calculation while realizing pending litigation may alter those offsets as they pertain to the depreciation surcharge (which is the subject of the litigation). Since the outcome of these lawsuits may result in adjustments to the depreciation surcharge, the docket should remain open and if changes occur (a) a new calculation of the additional revenues should be made and confirmed for each company affected, and (b) respondents should stipulate to the disposition of those additional revenues.

ing its actual disposition and disposition shall be made as soon as is practicable for the alternatives selected.

MADE AND ENTERED at Lincoln, Nebraska this 7th day of July, 1992.

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

COMMISSIONERS CONCURRING

//s//Frank E. Landis, Jr.
//s//James F. Munnelly
//s//Eric Rasmussen

ATTEST:

Executive Director