BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matters of the Application of the J.B.N. Telephone Company, Wetmore, Kansas, seeking a certificate of public convenience and necessity to provide local exchange telecommunications services in Jefferson County, Nebraska and for approval of the sale of J.B.N. Telephone Company by Contel Corporation, Wentzville, Missouri to Lynch Telephone Corporation VI, Greenwich, Connecticut and Brighton Communications Corporation, Greenwich, Connecticut.	Application No. C-1028 AUTHORITY GRANTED; BOUNDARY DETERMINED; AND SALE AUTHORIZED Entered: October 27, 1993

BY THE COMMISSION

J.B.N. Telephone Company ("J.B.N."), Wetmore, Kansas, Lynch Telephone Corporation VI ("Lynch"), Brighton Communications Corportion ("Brighton"), both of Greenwich, Connecticut, and Contel Corporation ("Contel"), Wentzville, Missouri filed a joint application opening this docket September 7, 1993. The applicants seek an order from the Commission (1) authorizing the sale of J.B.N. by Contel (the seller) to Brighton and Lynch (the joint buyers); (2) approving the provision of local exchange telecommunications authority as sought by J.B.N.; and (3) establishing a boundary between J.B.N.'s service area and the exchange belonging to Great Plains Communications, Inc. ("Great Plains"), Blair, Nebraska in Jefferson County, Nebraska.

The companies business addresses are:

J.B.N. Telephone Company
P.O. Box AE
Second and Kansas Streets
Wetmore, Kansas 66550
913.866.2321

Lynch Telephone Corporation VI
Eight Sound Shore Drive
Greenwich, CT 06830

Contel Corporation
1000 GTE Drive
Wentzville, MO 63385

Brighton Communications Corp.
Eight Sound Shore Drive
Greenwich, CT 06830.

Notice of the application was published in the **Omaha Daily Record** September 20, 1993. On September 8, 1993, Great Plains filed a letter dated August 31, 1993 waiving objections to the

application. There were no protests and the application will therefore be processed by modified procedure.[1]

OPINION AND FINDINGS

J.B.N. is a local exchange carrier existing under the laws of the State of Kansas with its principal place of business located in Wetmore, Kansas. J.B.N. is owned by Contel and Contel's parent, the GTE Corporation. J.B.N. is authorized to provide local exchange service in Kansas as authorized by the Kansas Corporation Commission. J.B.N. has 2,300 subscribers in 13 Kansas exchanges. One of those exchanges, located in Mahaska, Kansas has provided service to four homesteads in Nebraska near the state line in Jefferson County for many years.

J.B.N. does not possess a certificate of authority to offer service in Nebraska. Since this application is not protested, we do not reach the issue of J.B.N.'s legal status in Nebraska except to find that as a common carrier offering local exchange service in Nebraska, J.B.N. is governed by Chapters 75 and 86 of the Nebraska state statutes and by this Commission's rules (Title 291 NAC Chs. 1 & 5). Specifically, this application is governed by Neb. Rev. Stats. §§75-612 to 75-615 (Reissue 1990) and Rule 002.26.[2]

The applicants propose that the boundary between the proposed J.B.N. exchange and the Great Plains exchange in Jefferson County be revised as shown by the line circled and identified on Exhibit A and incorporated herein as part of this order. The four subscribers in question are not receiving telephone service from any other local exchange carrier, including Great Plains. J.B.N. is not proposing to construct new facilities in Nebraska. The applicants have executed a Stock Purchase Agreement to initiate the transaction described above.

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[1] Title 291 NAC Ch. 1, Rule 018.03.

[2] Rule 002.26 states in pertinent part:

"002.26A No valid sale, assignment, or transfer of one or more exchanges can be affected by transfer of the physical properties, or the assignment of stock resulting in a change in controlling interest until a joint application requesting such change is approved by the Commission and a certificate of public convenience and necessity has been issued to the new owner."

§§75-612 to 75-615 set forth the requirements for completing a boundary application.

There are no complaints pending against J.B.N. or against Lynch or Brighton in Nebraska. Approval of the above-described transaction does not appear to alter or adversely affect the current J.B.N. or Great Plains subscribers in Nebraska.

Upon consideration of the circumstances and being fully advised, the Commission is of the opinion and finds that:

(1) J.B.N. should be granted a certificate of public convenience and necessity to provide local exchange telecommunications services in Jefferson County, Nebraska solely in the area shown on Exhibit A as part of its local exchange in that county;
(2) a boundary should be established between the Great Plains exchange in Jefferson County and the territory currently served by J.B.N. as specified by Exhibit A; and
(3) the sale of J.B.N. by Contel to Lynch and Brighton should be approved.

The application is fair and reasonable; approval is in the interest of the public, J.B.N.'s current subscribers, J.B.N., Lynch, and Brighton. The application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that J.B.N. Telephone Company, Wetmore, Kansas be and it is hereby granted a certificate of public convenience and necessity to provide local exchange telecommunications services as a common carrier in Jefferson County, Nebraska.

IT IS FURTHER ORDERED that a boundary, as determined in Application No. C-1028 and conforming to the service area identified in Exhibit A, be drawn placing said service area solely within the local exchange service area of J.B.N. Telephone Company, Inc. in Jefferson County, Nebraska.

IT IS FURTHER ORDERED that revised service area maps be filed by the J.B.N. Telephone Company, Inc. and Great Plains Communications, Inc. showing the area in question to be in the local exchange service area of J.B.N. Telephone Company, Inc.

IT IS FURTHER ORDERED that the sale of J.B.N. Telephone by Contel Corporation Company to the joint buyers, Lynch Telephone Corporation VI and Brighton Communications Corporation be and it is hereby approved.

IT IS FURTHER ORDERED that the applicants complete the necessary transactions contemplated to carry out this order.

IT IS FURTHER ORDERED that J.B.N. Telephone Company, Inc. file a tariff with the Commission to reflect the services and rates to be offered after the completion of the transaction between the applicants.

MADE AND ENTERED at Lincoln, Nebraska this 27th day of October, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring

Daniel G. Urdiales

Duane D. Gay

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

Chairman

ATTEST:

Executive Director

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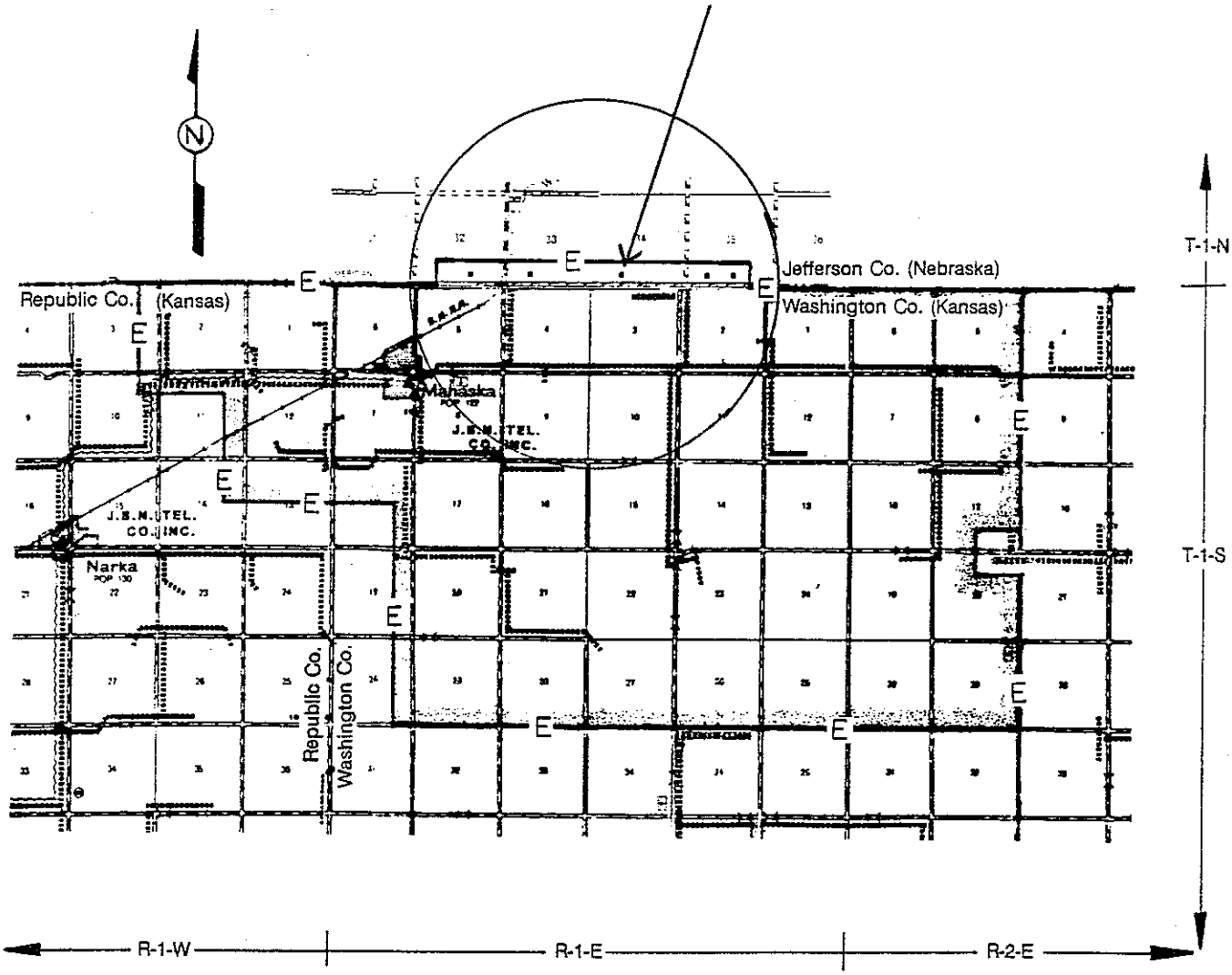
EXHIBIT " A "

JBN Telephone Company, Inc.
d/b/a GTE Telephone Company

Mahaska
Exchange Area Boundary

Nebraska
Original Sheet 1



RECEIVED
SEP 15 1993
ACCOUNTING DEPARTMENT
Nebr. Public Service Commission

Submitted Pursuant To Chapter 5, Article 2.25, Nebraska Public Service Commission Regulations.

Issued: Gerald D. Harris
Regional Director - External Affairs

Effective: