

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	APPLICATION NO. B-1351
Midwest Special Services, Inc.,)	SUPPLEMENT NO. 2
Curtis, seeking to acquire, through)	
transfer, the authority as a common)	TEMPORARY AUTHORITY
carrier in Nebraska intrastate)	DENIED
commerce granted to Karibu Enterprises,)	
Inc., dba RT Round Trip Transport in)	
Certificate B-1351.)	ENTERED: AUGUST 29, 2000

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed August 17, 2000, Midwest Special Services, Inc., Curtis, hereinafter referred to as applicant, seeks approval of the acquisition of a portion of the operating rights and authority granted to Karibu Enterprises, Inc., dba RT Round Trip Transport in Certificate B-1351.

In its application, applicant further requested that this Commission grant temporary approval to the applicant of a lease of the motor carrier properties and the certificate sought to be acquired by it. Notice of such request for temporary authority was published in The Daily Record, Omaha, Nebraska, on August 22, 2000, pursuant to the rules and regulations of this Commission. A timely protest to the granting of temporary authority was filed on August 24, 2000, by Prince of the Road, through its attorney, John Boehm.

Pursuant to Neb. Rev. Stat., Section 75-319(1) (1996), this Commission,

[M]ay, in its discretion. . . grant temporary approval for a period not exceeding ninety days, of a lease of the regulated motor carrier properties and of the certificates or permits sought to be acquired to the person filing the application, if it shall appear that failure to grant such temporary approval may result in destruction of or injury to such regulated motor carrier properties, and certificates or permits sought to be acquired or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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Based upon the foregoing, we conclude that the applicant has not produced sufficient evidence to support a grant for temporary approval. The applicant did not produce any evidence showing that a failure of the Commission to grant temporary approval would result in destruction or injury to regulated motor carrier properties. Moreover, we are of the opinion that the denial of temporary approval will not substantially interfere with the applicant's future usefulness in the performance of adequate and continuous service to the general public. Accordingly, temporary approval should be denied.


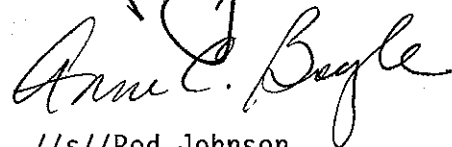
O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the application for temporary approval of a lease of the motor carrier properties and the certificate sought to be acquired by Midwest Special Services, Inc., Curtis, be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of August, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s//Rod Johnson

//s//Frank E. Landis


Chairman

ATTEST:


Executive Director