

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. M-11257
Nebraska Transport Co., Inc., Scottsbluff,) SUPPLEMENT 8
Nebraska, seeking to extend the authority)
as a common carrier in Nebraska intrastate)
commerce in the transportation of solid)
waste including hazardous materials (except) GRANTED AS AMENDED
commodities requiring the use of pneumatic)
unloading devices) between points in)
Nebraska over irregular routes.) ENTERED: SEPTEMBER 28, 1993

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on December 31, 1991, Nebraska Transport Co., Inc., Scottsbluff, Nebraska, hereinafter referred to as applicant, seeks to extend the present authority in Certificate of Public Convenience and Necessity issued in Application M-11257 as follows:

AUTHORITY SOUGHT

SUPPLEMENT NO. 8

Solid waste including hazardous materials (except commodities requiring the use of pneumatic unloading devices) between points in Nebraska over irregular routes.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on January 8, 1992, pursuant to the rules of the Commission.

Timely protests to the granting of this application were filed on January 14, 1992, by Herman Bros., Inc. and on January 15, 1992, by Arthur E. Smith & Sons Trucking, Inc., through its attorney, Bradford E. Kistler. However, with a filing of a restrictive amendment to the original application on September 7, 1993, protestants withdrew their protests on September 7, 1993. Application M-11257, Supplement 8 was then processed pursuant to Rule 018.03 of the rules of procedure of the Nebraska Public Service Commission.

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing, and able properly to perform the extended service and to conform to the provisions of Sections 75-301 to 75-322.04, R.R.S. 1943, as amended, and the requirements, rules and regulations of the Commission thereunder.
2. The proposed extension of applicant's present intrastate service is or will be required by the present or future public convenience and necessity to the following extent:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Solid waste and hazardous solid waste between the facilities of Waste-Tech Services, Inc. at or near Kimball, on the one hand, and,

on the other, points in Nebraska over irregular routes. Restrictions: (1) Restricted to the transportation of shipments originating at or destined to the facilities of Waste-Tech Services, Inc. at or near Kimball; and (2) The transportation of commodities in tanker-trailers and the transportation of commodities requiring pneumatic unloading devices are not authorized.

3. The application for extension should be granted as amended.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. M-11257, Supplement 8 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to Nebraska Transport Co., Inc., Scottsbluff, Nebraska, in Application M-11257, Supplement 8 authorizing the operations set forth in Paragraph No. 2 of the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Public Convenience and Necessity authorized by the Commission unless and until applicant has fully complied, within a reasonable time from the effective date of this Order, with Sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates), R.R.S. 1943, as amended, and with the rules and regulations of the Commission; and if upon expiration of such time applicant has not complied with such terms and conditions, this order shall, after reasonable notice to applicant, be of no further force and effect.

IT IS FURTHER ORDERED that applicant shall not conduct the operations until a Certificate of Public Convenience and Necessity is issued.

IT IS FURTHER ORDERED that applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity authorized shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of September, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel G. Huwiler

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

Mark J. Sauer
Chairman

ATTEST:

David R. King
Executive Director