

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. M-12965
R & R Xpress, Inc., Falls City, Nebraska,) Supplement No. 6
which seeks to extend the authority as a)
common carrier in Nebraska intrastate)
commerce in the transportation of com-) GRANTED AS AMENDED
modities in bulk in tank or hopper-type)
vehicles between points in Richardson)
County on the one hand, and, on the)
other, points in Nebraska over irregular)
routes.) ENTERED: March 5, 1991

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed December 18, 1990, R & R Xpress, Inc., Falls City, Nebraska, hereinafter referred to as Applicant, seeks to extend its present authority in certificate of public convenience and necessity issued in Application No. M-12965, and supplements thereto, as follows:

AUTHORITY SOUGHT

SUPPLEMENT NO. 6

SERVICE AND TERRITORY AUTHORIZED:

Commodities in bulk in tank or hopper-type vehicles between points in Richardson County on the one hand, and, on the other, points in Nebraska over irregular routes.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 19, 1990, pursuant to the rules of the Commission.

Timely protests to the granting of this application were filed on January 14, 1991, by Wheeler Transport Service, Inc., through its attorney, Jack L. Shultz, on January 15, 1991, by Herman Bros., Inc., through its attorney, James E. Ryan, on January 16, 1991, by Dokter Trucking, Inc., through its attorney, Bradford E. Kistler, on January 17, 1991, by Central Transportation Co., Inc., through its attorney, Jack L. Shultz, and on January 18, 1991, by Herman Bros., Inc., through its attorney, Jack L. Shultz. However, with the filing of a restrictive amendment to the original application on January 24, 1991, protestants withdrew their protests on January 29, 1991, January 30, 1991, January 28, 1991, February 4, 1991, and on February 5, 1991. Application No. M-12965, Supplement No. 6 was then processed pursuant to Rule 018.03 of the rules of the 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 proposed 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.

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2. The proposed 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:

Dry fertilizer, in bulk, in hopper-type vehicles. Between points in Richardson County on the one hand, and, on the other, points in Nebraska over irregular routes.

3. The application should be granted as amended.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. M-12965, Supplement No. 6 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 R & R Xpress, Inc., Falls City, Nebraska in Application No. M-12965, Supplement No. 6 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 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.

Application No. M-12965, Supp. 6.

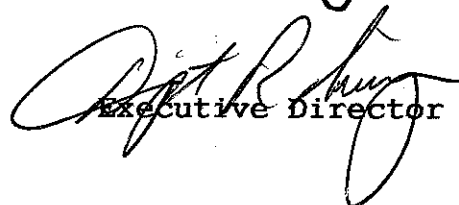
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MADE AND ENTERED at Lincoln, Nebraska this 5th day of March, 1991.

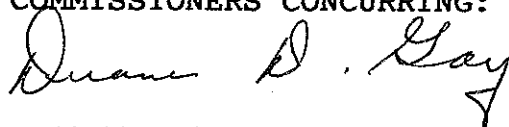
NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

COMMISSIONERS CONCURRING:



//s//Frank E. Landis, Jr.

//s//James F. Munnelly

//s//Eric Rasmussen

//s//Daniel G. Urwiller

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