

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) APPLICATION NO. M-13722  
Deitloff Transfer, Inc., Norfolk, Nebraska,) )  
which seeks to acquire, through transfer, ) GRANTED AND CERTIFICATE  
the authority as a common carrier in ) M-13548, REVOKED  
Nebraska intrastate commerce granted to )  
Ervin H. Deitloff, dba Deitloff Transfer in)  
Certificate M-13548 and supplement thereto.) ENTERED: March 5, 1991

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed December 24, 1990, Deitloff Transfer, Inc., Norfolk, Nebraska, seeks to acquire the operating rights granted to Ervin H. Deitloff, dba Deitloff Transfer in the certificate of public convenience and necessity issued in Application No. M-13548.

Notice of the application was published in The Daily Record, Omaha, Nebraska on December 27, 1990, pursuant to the rules of the Commission.

Since no protest was filed, Application No. M-13722 was 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 to properly perform the proposed service.
2. The proposed transfer of operating rights will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application No. M-13548, is not dormant.
4. A certificate should be issued in Application No. M-13722 authorizing the following operations:
  - A. REGULAR ROUTES:  
SERVICE AND TERRITORY AUTHORIZED:  
Commodities generally except those requiring special equipment. Regular routes: (1) Between Springview and Omaha via US-183 to US-20 to US-275 to Omaha; intermediate points to be served: Emmet, Atkinson, Stuart, Newport, O'Neill, Bassett, Riverview, Fremont and Norfolk, with no service between Fremont and Omaha, or between Norfolk and Omaha, or between Fremont, and Norfolk; off-route points to be served are Norden, Meadville, and Burton. (2) Between Springview and O'Neill via US-183 to NE-12, to US-281, to O'Neill serving all intermediate points. (3) Between Chambers and Omaha via NE-95 to US-281 to NE-70, to Elgin, NE-14 to

Application No. M-13722

Page Two

NE-39 to NE-22 to US-30 to Fremont, US-275 to Omaha.  
Alternate Route: From Elgin via NE-14 to US-275 to Omaha serving the off-route points of O'Neill and Bartlett.  
(4) Between Chambers and Grand Island via NE-95 to US-281 to Grand Island with service to Bartlett serving the off-route points of Amelia, Inman, Page and O'Neill.

IRREGULAR ROUTES:

SERVICE AND TERRITORY AUTHORIZED:

(1) Commodities generally, except those requiring special equipment other than dump bodies from Holt, Boyd, Rock, Loup, Garfield, Wheeler, Antelope and Knox Counties, on the one hand, and, on the other hand, Atkinson, Bassett, Ewing, occasionally Fremont, Omaha, Scottsbluff and points generally throughout the state on a state-wide basis.

(2) Commodities generally except those requiring special equipment between points within a 15-mile radius of Chambers, and between points within said radial area on the one hand, and, on the other hand, Omaha and intermediate points over irregular routes.

(3) Gasoline, fuel oil, tractor fuel and kerosene (restricted against transportation of propane) from any refinery or pipeline terminal in Nebraska to Chambers Corner, located at the junction of NE-95 and US-281.  
Restriction: No service authorized under irregular route (3) will be performed to or from Chambers.

B. SERVICE AND TERRITORY AUTHORIZED:

Commodities generally except those requiring special equipment. Between points within a 10-mile radius of Enola, and between said radial area on the one hand, and on the other hand, points throughout Nebraska over irregular routes.

5. The certificate issued in Application No. M-13548 should be revoked and cancelled.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. M-13722 be, and it is hereby, granted; 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 Deitloff Transfer, Inc., Norfolk, Nebraska in Application No. M-13722, authorizing the operations set forth in Paragraph No. 4 of the foregoing findings; and that to avoid a lapse in authority, the certificate of public convenience and necessity issued in Application No. M-13548 shall be revoked and cancelled simultaneously with the issuance of a certificate of public convenience and necessity in Application No. M-13722.

Application No. M-13722

Page Three

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.

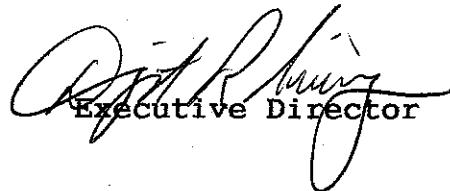
IT IS FURTHER ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.

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

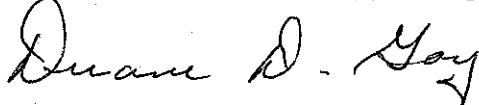
NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

ATTEST:

  
Executive Director

COMMISSIONERS CONCURRING:



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

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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