

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. M-14110
Mike's Moving, Inc., Omaha, seeking) Supplement 1
to extend its authority as a common)
carrier in Nebraska Intrastate) DENIED
commerce in the transportation of)
household goods between points in)
Nebraska over irregular routes.) Entered: December 2, 1997

APPEARANCES: John K. Green, Esq.
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2027 Dodge Street
Omaha, NE
Legal Counsel for Applicant

BY THE COMMISSION:

By application filed August 22, 1997, Mike's Moving, Inc. of Omaha, Nebraska, seeks to extend its authority as a common carrier in Nebraska intrastate commerce in the transfer of household goods between points within a 60-mile radius of the Omaha metropolitan area over irregular routes. Notice of this application was published in The Daily Record, Omaha, Nebraska, on August 25, 1997. Protests to the application were filed by Star Warehousing Company; Benson Transfer and Storage Company; Gordon Moving & Storage Company; Ford Van Lines; and Chieftain Van Lines. A hearing on the application was held on November 5, 1997, in the State Office Building, Omaha, Nebraska, with appearances as shown.

OPINION AND FINDINGS

Applicant produced only one witness, the owner, Richard Michael Mangan, who testified: Mike's Moving currently has authority to operate as a common carrier of household goods within a 15-mile radius of the Omaha metropolitan area. Applicant is seeking to extend its authority to 60 miles. He is the president of applicant. He is seeking an extension of authority because he has had to refer numerous potential customers to competitors that have the appropriate authority. In the past month he referred approximately 15 moves to other companies and had turned down five or six jobs in the "past couple of days." Applicant argued that the large moving companies have stopped pursuing local moves in favor of corporate, interstate moves and have left a market and need for a company like Mike's Moving.

Two protestants appeared in opposition to this application.

Tom Coffey, vice president of Ford Van Lines, testified: It is not necessary to grant the application because the state is already well represented by those companies currently in operation. He estimates that there are already 20 companies in the Omaha area.

Dennis Leslie, vice president of Chieftain Van Lines, also appeared in opposition to the applicant's request for an extension of authority. He testified that: If, as was stated by Mr. Mangan, applicant had to refer 15 to 30 moves, then it proves that there are a sufficient number of movers in the Omaha area to meet the public necessity.

Neb. Rev. Stat. Section 75-311 (1996) in pertinent part provides:

A certificate shall be issued to any qualified applicant authorizing the whole or any part of the operations covered by the application if it is found after notice and hearing that (a) the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of sections 75-301 to 75-322 and the requirements, rules, and regulations of the commission under such sections and (b) the proposed service, to the extent to be authorized by the certificate, whether regular or irregular, passenger or household goods, is or will be required by the present or future public convenience and necessity. Otherwise the application shall be denied. ***

The applicant and protestants stipulated that applicant is fit, willing, and able to perform the proposed services. Therefore, the only issue before this Commission is whether public convenience and necessity requires the granting of the application.

In other areas of the Commission's jurisdiction, we are directed by statute to promote competition by allowing more companies into the desired field. In general, we support this approach and feel that competition is good for consumers. However, the statutory framework that the Commission must follow in this matter does not adopt this pro competition philosophy. To the contrary, Neb. Rev. Stat. Section 75-311 (1996) states that unless the proposed service is "required by the present or future public convenience and necessity. . . the application shall be denied."

From the testimony given at the hearing it appears that public convenience and necessity does not require granting Mike's Moving an extension of its current authority. At the hearing, applicant indicated that it had to refer numerous jobs to other movers that have the proper authority. However, the witness did not present any evidence from individuals who could not find a mover. It therefore appears to this Commission that there are

sufficient movers to meet the public need within a 60-mile radius of the Omaha Metropolitan area.

O R D E R

IT IS THEREFORE ORDERED, by the Nebraska Public Service Commission that Application No. M-14110, Supplement 1 be, and is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of December, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Anne C. Brfa
Rod Johnson

/s//Rod Johnson
//s//Daniel G. Urwiller

Robert H. Logsdon
Chairman:

ATTEST:

Robert H. Logsdon
Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

