

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. M-14111
Graebel/Kansas City Movers, Inc., dba)
Graebel/Omaha Movers, Omaha, which)
seeks authority as a common carrier)
in the transportation of household goods) GRANTED
between points in and within a five-mile)
radius of Omaha over irregular routes.)
ENTERED: JANUARY 13, 1997

APPEARANCES: For the Applicant:
Bradford E. Kistler, Esq.
P.O. Box 22512
Lincoln, Nebraska 68501

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed September 6, 1996, Graebel/Kansas City Movers, Inc., dba Graebel/Omaha Movers seeks authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in and within a five-mile radius of Omaha over irregular routes. Notice of the application was published on September 10, 1996, pursuant to the rules of the Commission. Protests were filed by Chieftain Van Lines, Star Warehousing, A-1 Metro Movers, and Gordon Moving & Storage. Hearing on the application was held November 26, 1996, with appearances as shown.

Applicant produced one witness, Geron Gore, who testified: He is general manager of Graebel/Omaha Movers which is a trade name under which Graebel/Kansas City Movers, Inc. operates in Omaha. The corporation is a Kansas corporation authorized to do business in Nebraska as shown by Exhibit 1. Applicant provides household goods transportation, packaging and warehousing services interstate and locally. It has been in business in Omaha since November, 1995. Exhibit 2 shows applicant's equipment. Its only facility is in Omaha. Exhibit 3 shows the financial statement of the applicant and its parent corporation. Graebel/Kansas City Movers, Inc. is a subsidiary of Graebel Movers, Inc., owner of Graebel Van Lines, Inc., a nationwide household goods mover. Exhibit 4 is a sales brochure used by Graebel/Omaha Movers. Exhibit 6 shows the complaint record of Graebel. Exhibit 9 shows applicant's telephone book listing for 1995. Applicant operates out of a terminal which consists of 14,900 square feet of warehouse space with three docks and 1,200 square feet of office space. Exhibits 10 through 15 show bills of lading and other paperwork which reflect operations of applicant in the Omaha area during 1995.

Protestant, Chieftain Van Lines, produced one witness, Dennis Leslie, who testified: Applicant has not had an advertisement in the Yellow Pages of the Omaha telephone book between 1994 and 1997. The documents in evidence appear to be contract work. Applicant has not solicited local business.

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Protestant, Star Warehousing Company, produced one witness, Jack Andrews, who testified: He concurs in the remarks of Mr. Leslie. Applicant is a fine company, but there is no need for another authority.

LB 1218, which was passed by the Legislature and approved by the Governor on April 3, 1996, in Section 45, provides:

Sec. 45. 1(1) Any mover of household goods operating in a city or village of this state or within a radius of five miles of the corporate limits of such city or village and engaged in the transportation for hire of household goods in such city or village or within such five-mile radius prior to January 1, 1996, may continue operations for a period of up to one year after the operative date of this section without obtaining a certificate of public convenience and necessity or a permit issued by the commission authorizing such operations. Beginning on and after one year after the operative date of this section, such mover of household goods shall be subject to sections 75-301 to 75-322.

(2) During the one-year period after the operative date of this section, the commission shall grant the authority to engage in the transportation for hire of household goods in such city or village or within such five-mile radius to any such mover of household goods which applies to the Commission and furnishes evidence of its operations in a manner and form as directed by the commission by rule and regulation. The authority to engage in the transportation of household goods shall become effective one year after the operative date of this section.

The evidence shows that this application was filed after LB1218 became law. The evidence clearly shows that applicant was a mover of household goods operating in Omaha and within five miles of the corporate limits of Omaha in the transportation for hire of household goods prior to January 1, 1996. This application was filed within the one year period after the operative date of the bill. The evidence furnished by applicant conforms with the Commission's rules and regulations. The application should be granted.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the application of Graebel/Kansas City Movers, Inc., dba Graebel/Omaha Movers, of Omaha 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 Graebel/Kansas City Movers, Inc., dba Graebel/Omaha Movers, Omaha, in Application M-14111, authorizing the operations set forth in the foregoing findings.

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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.S.SUPP. 1995, 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.

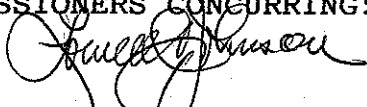
IT IS FURTHER ORDERED that applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

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 13th day of January, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


//s//Anne C. Boyle
//s//Rod Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller


Chairman

ATTEST:


Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
