

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. M-14127
Kearney Moving Service, Kearney,)
seeking authority as a common carrier in)
Nebraska intrastate commerce in the) GRANTED
transportation of household goods)
between points in and within a 100-mile)
radius of Kearney over irregular routes.) ENTERED: MAY 20, 1997

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed January 10, 1997, Kearney Moving Service, Kearney, Nebraska, hereinafter referred to as applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of in Nebraska intrastate commerce in the transportation of household goods over irregular routes as follows:

AUTHORITY SOUGHT

The transportation of household goods between points in and within a 100-mile radius of Kearney over irregular routes.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on January 10, 1997, pursuant to the rules of the Commission.

Timely protests to the granting of this application were filed on February 7, 1997, by Borley Moving & Storage, Inc., on February 10, 1997, by Chieftain Van Lines, Inc., and Buck's Moving & Storage, on February 13, 1997, by Andrews Van Lines, Inc., and on February 25, 1997, by Benson Transfer & Storage. A restrictive amendment was filed on March 7, 1997, limiting the transportation of household goods between points in and within a five-mile radius of Kearney over irregular routes. The protests were subsequently withdrawn.

Application M-14127 was then processed pursuant to Rule 018.03 of the rules of procedure 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 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.
2. The proposed intrastate service is or will be required by the present or future Public Convenience and Necessity to the following extent:

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CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of household goods between points in and within a five-mile radius of Kearney over irregular routes.

3. The application should be granted.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application M-14127 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 Kearney Moving Service, Kearney, Nebraska, in Application M-14127, 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.

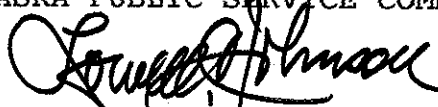
IT IS FURTHER ORDERED that applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

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.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of May, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Vice Chairman



ATTEST:


Executive Director

//s//Lowell C. Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller