

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	) APPLICATION NO. M-14130
Columbus Moving and Storage, Inc.,	)
Columbus, seeking authority as a	)
common carrier in Nebraska intrastate	)
commerce in the transportation of	)
household goods between points in	) GRANTED
Platte County and between points	)
within said county on one hand and	)
on the other hand points within a	)
250 mile radius of Platte County over	)
irregular routes.	) ENTERED: June 4, 1997

APPEARANCES: NONE

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed February 26, 1997, Columbus Moving and Storage, Inc., Columbus, seeks authority as a common carrier in Nebraska intrastate commerce and transportation of household goods between points in Platte County and between points within Platte County on the one hand and on the other hand points within a 250 mile radius of Platte County over irregular routes. Notice of the application was published in the Omaha Daily Record on March 3, 1997, pursuant to the rules of the Commission. Hearing on the application was held April 9, 1997 at Columbus. Protests were filed on March 12, 1997 by Ford Van Lines, Inc., on March 17, 1997 by Chieftain Van Lines, Inc. and Borley Moving and Storage Company on March 18, 1997, by Buck's Moving and Storage, on March 19, 1997 by Star Warehousing Company, on March 31, 1997 by Andrews Van Lines.

The only protestant that appeared at the hearing was Chieftain.

One witness, Dennis Nagengast testified for the applicant: He has been in Columbus and doing moving for 25 years. He had operated under other people's authority. He has two straight trucks, one 26 feet long and another 16 feet long. He needs the territory requested in order to make a living. He does most of the work himself. The radial area requested includes North Platte, Falls City, and Auburn, which are points he serves for Nebraska Public Power District. He does not solicit in Grand Island or Hastings. He is an agent for North American Van Lines. None of the protestants has an office in Columbus. His wife runs his office. He and one part-time employee handle the business. He is the only one that drives the truck for the business. Applicant has a net worth of \$125,000.00, although some of the assets have changed from the filing of the application. He hauls six to ten loads per year. On shipments over 16,000 pounds, he would use two trucks or turn the load over to North American. He wants to operate his own business in intrastate commerce as much as possible.

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Protestant, Chieftain produced one witness, Dennis Leslie, who testified: He questions why applicant has not applied to cover the entire state. He has no problem with a local mover out of Columbus. The 26 foot straight truck would not have the capability of handling a large shipment over 15,000 to 16,000 pounds.

Neb. Rev. Stat. 75-311 (Reissue 1996) provides:

(1) 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 evidence shows that applicant has considerable experience in the household goods moving business. It has adequate equipment to provide the service proposed. Applicant possesses adequate financial resources to perform the proposed service.

Although applicant called no supporting witnesses, Mr. Nagenast's testimony shows that he is well positioned to service the Platte County area and could perform the proposed services more efficiently than the protestants. The protestants did not produce any evidence to refute the applicant's testimony that a market for applicant's service does, in fact, exist in Columbus and Platte County.

From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing and able properly to perform the services proposed and to conform with the statutes and the rules of the Commission thereunder.

2. Public Convenience and Necessity requires the services of the applicant as follows:

SERVICE AND TERRITORY AUTHORIZED:

Transportation of household goods between points in Platte County and between points within Platte County on the one hand and on the other hand points within a 250 mile radius of Platte County over irregular routes.

3. The application should be granted.

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O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application M-14130 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 Columbus Moving and Storage, Inc., Columbus, in Application M-14130, authorizing the operations set forth in 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), (Reissue 1996), 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 4th day of June, 1997.


NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Rod Johnson  
//s//Frank E. Landis

COMMISSIONERS DISSENTING:  
//s//Daniel G. Urwiller

Chairman 

ATTEST:

  
Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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