

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION M-14157
of William T. Reid, Jr., dba Three)
Men & A Truck, Lincoln, seeking)
authority as a common carrier in)
Nebraska intrastate commerce in) DENIED
the transportation of household)
goods between points in and within)
a 5-mile radius of Lincoln over)
irregular routes.) ENTERED: AUGUST 24, 1999

APPEARANCES

For the Applicant:
William T. Reid, Jr.
3650 W Street
Lincoln, NE 68503

For the Commission:
Kevin Griess
Robert Logsdon
300 The Atrium
1200 "N" Street
Lincoln, NE 68509

BY THE COMMISSION:

By application filed May 26, 1999, William T Reid, Jr., dba Three Men & A Truck (Applicant) of Lincoln, seeks authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in and within a 5-mile radius of Lincoln over irregular routes. Notice of the application was published in The Daily Record, Omaha, Nebraska, on May 28, 1999. Protests were filed by Two Men and a Truck, Omaha; Star Warehousing Company, dba Star Van & Storage Co., Lincoln; Chieftain Van Lines, Inc., Ralston; IGO Van & Storage, Omaha; Ace Storage & Transfer Co., Inc., Omaha; and Gordon Moving & Storage, Omaha. The protest of Gordon Moving & Storage being untimely filed, they were afforded intervenor status only. A hearing in the matter was held on August 3, 1999, in the Commission Hearing Room, Lincoln, Nebraska, with appearances as shown above.

In support of the application, Mr. Reid testified as follows:

The applicant seeks authority to operate as a mover of household goods. The only vehicle currently owned by the applicant for this purpose is a 1988 GMC pickup, however, additional vehicles can be obtained from Ryder or U-Haul. The applicant has been in the moving business since 1980 and is experienced in moving all types of household property. The applicant does not currently employ any individuals nor does he currently have insurance, although arrangements have been made to obtain insurance upon the issuance of a certificate from this Commission. Prior customers of Mr. Reid have made claims for property damage, although Mr. Reid testified that all such claims were satisfactorily resolved.

Upon examination by Mr. Griess, Mr. Reid testified that the most recent move he conducted occurred in May or June of this year.

During this move, a property damage complaint was made and later settled. Mr. Reid also stated that he has appeared before this Commission in the past, on more than one occasion, for operating without authority. He also admitted that on several occasions he has pled guilty to various misdemeanors, including assault, shoplifting, and theft of property of less than \$300.

Several protestors offered testimony in opposition to Mr. Reid's application. The protestors testified that Mr. Reid had failed to prove a need and necessity existed for his proposed services. They also stated that granting a certificate to Mr. Reid would tarnish the reputation of the moving industry, as evidenced by the many past complaints made about Mr. Reid's service. Several of the protestors described difficulties their business has experienced due to such complaints, while intended for Mr. Reid, being directed at their business.

Rob Logsdon, Director of Transportation for the Commission, offered testimony regarding Mr. Reid's past appearances before the Commission. Mr. Logsdon described several complaints filed against Mr. Reid for operating without authority and the Commission's actions in those complaints.

O P I N I O N A N D F I N D I N G S

Applications for a Certificate of Public Convenience and Necessity are governed by Neb. Rev. Stat. Sec. 75-311. This section requires applicants to demonstrate that: 1) they are fit, willing, and able to provide the proposed services and to adhere to all pertinent statutes, rules, and regulations; and 2) the proposed service is required by the present or future convenience and necessity. Upon finding that the applicant in this docket has failed to satisfy the first standard, we find it unnecessary to express any opinion regarding the need and necessity of an additional provider.

Mr. Reid has repeatedly demonstrated that he lacks the requisite fitness and ability to act for the public good. Mr. Reid's history of failure to adhere to Commission rules and orders is well documented. In 1991, Complaint Nos. 2944 and 3021 were filed by the Commission against Mr. Reid for operating without authority. In 1993, Complaint No. 3069 was filed when Mr. Reid once again operated without authority.

During the course of these complaints, Mr. Reid consistently demonstrated blatant disregard for Commission rules and orders. On several occasions, Mr. Reid failed to appear for a Commission proceeding. Upon order by the Commission to cease and desist operations, Mr. Reid continued to conduct moves in violation of this order. In Complaint No. 3021, the Commission sought to accommodate Mr. Reid by adopting terms under which he could pay the Commission-imposed fine -- terms requested by Mr. Reid. At the first

opportunity, Mr. Reid violated these terms. In light of Mr. Reid's past contempt for Commission actions, we find no reason to give credence to Mr. Reid's current expression of willingness to adhere to Commission rules. On the contrary, Mr. Reid has once again demonstrated by the recent move conducted without permission that the voice of authority falls upon deaf ears when directed at Mr. Reid.

In addition to flaunting Commission orders, substantial evidence exists suggesting Mr. Reid is unfit to be entrusted with serving the public. His lengthy list of criminal wrongdoings, ranging from assault to public indecency, clearly communicates the type of character Mr. Reid possesses. Particularly disturbing are the instances where Mr. Reid has pled guilty to theft of property and shoplifting. Upon the granting of a certificate, Mr. Reid would be placed in situations where he is entrusted with the safekeeping of the public's property. Given Mr. Reid's past convictions, we feel it is our responsibility to prevent the possibility of future occurrences of these offenses.

In an August 30, 1993, order, this Commission described Mr. Reid as a "willful renegade." We find this to be an accurate description still of an individual who has repeatedly flaunted the laws and rules governing his profession, and who has at times failed to treat the public in the admirable manner of many of his peers. The Commission finds that Mr. Reid's application should be denied. In addition, we warn Mr. Reid that further instances of operating outside of authority will not be tolerated by this Commission and will be punished accordingly.

O R D E R

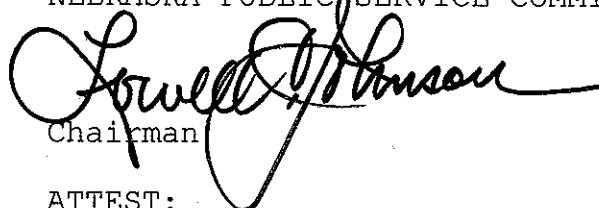
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. M-14157 be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of August, 1999.

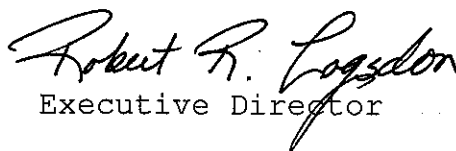
COMMISSIONERS CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

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