

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. M-14198  
of Smoldt Moving & Storage, Inc., )  
Des Moines, Iowa, seeking to )  
acquire, through transfer, the ) GRANTED AND CERTIFICATE  
authority granted to Portable ) M-14186 REVOKED  
Storage of Nebraska, LLC, dba )  
PODS, in Certificate M-14186. ) ENTERED: AUGUST 14, 2007

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed May 1, 2007, Smoldt Moving & Storage, Inc., Des Moines, Iowa, hereinafter referred to as applicant, seeks to acquire, through transfer, the authority granted to Portable Storage of Nebraska, LLC, dba PODS, in Certificate M-14186.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on May 9, 2007, pursuant to the rules of the Commission.

Because no protests were filed, Application M-14198 was 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 proposed service, and to conform to the provisions of Neb. Rev. Stat., sections 75-301 to 75-322.04, (Reissue 2003), and the requirements, rules and regulations of the Commission thereunder.
2. The proposed intrastate service will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application M-14186 is not dormant.
4. A certificate should be issued in Application M-14198 authorizing the following operations:

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CERTIFICATE AUTHORIZED

Household goods between all points and places in Nebraska over irregular routes.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application M-14198 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 Smoldt Moving & Storage, Inc., Des Moines, Iowa, in Application M-14198 authorizing the operations set forth in the foregoing findings; and that to avoid a lapse of authority, the Certificate of Public Convenience and Necessity issued in Application M-14186, shall be revoked and canceled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application M-14198.

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 Neb. Rev. Stat. sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Reissue 2003), 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 the operations authorized herein 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 14<sup>th</sup> day of August, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. Vay*  
*Anne G. Boyle*  
*Tim Schram*

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

ATTEST:

Chairman

*Art B. Johnson*  
Executive Director