

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Public)	Application No. M-14230
Service Commission on its own)	
motion, to require Graebel/)	
Kansas City Movers, d/b/a)	
Graebel Moving Services,)	
Lenexa, Kansas, to show cause)	ORDER REVOKING CERTIFICATE
why the Commission should not)	
revoke its Certificate of)	
Public Convenience and)	
Necessity.)	Entered: July 25, 2017

BACKGROUND:

Graebel/Kansas City Movers d/b/a Graebel Moving Services (Graebel) was granted a certificate of public convenience and necessity to operate in Nebraska June 15, 2015. On March 10, 2017, Graebel notified the Motor Transportation Department that they were no longer operating in Nebraska and were planning to cancel their Certificate. Commission staff sent copies of the revocation form to Graebel with instructions as to how to cancel their certificate. Commission staff spoke with Kay Honeycutt at Graebel to notify her of the process. The Commission did not receive a response. On May 10, 2017, the Motor Transportation Department received a Form K from Arch Insurance Company indicating the Insurance Coverage for Graebel had been cancelled.

Commission staff attempted to reach Graebel via phone and mail but were unsuccessful. The Commission issued an order requiring Graebel to show cause and setting a hearing date May 16, 2017. A copy of such order was supplied to Graebel. A hearing was held on June 27, 2017, in the Commission Hearing Room. Ms. Jamie Reyes and Ms. Ellie Rohr appeared on behalf of the Commission. No one appeared on behalf of Graebel.

E V I D E N C E

Ms. Jamie Reyes, Director of the Motor Transportation Department, testified before the Commission. Ms. Reyes stated that Graebel has ceased operations in Nebraska. Ms. Reyes noted there was not an office in state staff could visit as the company is based in Lenexa, Kansas. According to Ms. Reyes, letters were sent to the business office in Lenexa, Kansas; initially staff was able to connect with Kay Honeycutt regarding the process to cancel the certificate; since April, no calls have been returned; and Graebel has ceased all communication

with the Commission. No evidence has come to the Department to indicate Graebel is still operating in the state. As a result of his investigation, Ms. Reyes concluded that the company is no longer serving Nebraska and recommended that the Commission revoke the certificate for Graebel for failure to comply with Nebraska Statutes and Commission Rules and Regulations.

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

All household goods movers are regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. seq. (Supp. 2015), § 75-301 et. seq. (Supp. 2015), and Title 291, NAC Ch. 3 of Commission Rules and Regulations.

All regulated motor carriers must comply with Commission Rule 006.01 and 006.02, which requires carriers to hold current motor carrier insurance with minimum amounts of coverage. A Form "E"- Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance must be filed with the Commission as proof of liability insurance.¹

Graebel has not had current insurance or vehicles on file with the Commission for some time. Attempts were made to contact Graebel several times prior to the entry of the May 16, 2017, Order to Show Cause. Graebel was sent a copy of the May 16, 2017, Order. Commission staff also made several attempts to contact Graebel by phone, without success. Finally, Graebel did not appear at the June 27, 2017, hearing to show cause as to why its certificate of public convenience and necessity should not be revoked.

In consideration of the evidence presented, the Commission finds that Graebel/Kansas City Movers d/b/a Graebel Moving Services, has violated Commission Rules 006.01, 006.02, and 006.03 for failure to maintain and file liability insurance coverage for its vehicles with the Commission. Based on this violation and the recommendation of Commission staff, the Commission further finds that the authority granted to Graebel/Kansas City Movers in Application No. M-14230 should be revoked.

¹ Title 291, NAC Ch. 3, 006.03 and 006.03A (Dec. 2003).

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity granted to Graebel/Kansas City Movers d/b/a Graebel Moving Services, Lenexa, Kansas, in Application No. M-14230 be, and is hereby, revoked.

IT IS FURTHER ORDERED that the carrier revoked herein shall cease and desist providing service in the State of Nebraska as of the effective date of this Order. Any vehicle plates which have been assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25th day of July, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Mary Redder
Crystal Knodes
Tim Schram

//s//Frank E. Landis
//s//Tim Schram,

Tim Schram

Chairman

ATTEST:

Miss D. 1424

Executive Director