

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission in-) APPLICATION NO. PI-10
vestigation into the exigency of)
revoking those intrastate motor) ORDER
carrier authorities nullified by)
passage of Public Law 103-305.) ENTERED: JANUARY 9, 1995

BY THE COMMISSION:

OPINION AND FINDINGS

On the Commission's own motion, a hearing was convened to investigate the necessity of revoking those intrastate motor carrier authorities nullified by passage of Public Law 103-305.

A hearing in docket PI-10 was held December 20, 1994, in conjunction with Application No. MR-908 after notice was served on all carriers shown on the Commission records who appear to be affected by the deregulation of intrastate motor transportation as of January 1, 1995. Notice was also published in the Omaha Daily Record pursuant to the rules of the Commission.

The Commission staff introduced a copy of the federal legislation (Public Law 103-305 -- August 23, 1994) which precipitated this investigation. The staff also made note that the Oklahoma Corporation Commission, et al. have filed suit in the U.S. District Court for the Western District of Oklahoma (Case No. Civ -- 94 1999 R) asking for an injunction pending disposition of the action which seeks to overturn the federal act on Tenth Amendment constitutional grounds.

Public witnesses appeared in support of the investigation and suggested that the Commission enter orders which would revoke all intrastate operating authority except for authority to carry household goods and passengers, but make revocation contingent upon the outcome of the Oklahoma case. Such action, it was suggested, was in the best interests of the carriers vis a vis the tax consequences of the deregulation of the carriers. The Oklahoma case was dismissed by the Federal District Court on December 30, 1994.

The Commission being fully informed in the premises finds that such orders should be entered.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the Director of the Motor Transportation be, and he is hereby, ordered to prepare orders to be served on each motor carrier who holds authority granted by this Commission, other than those who hold authority to transport household goods or passengers, that revoke the carrier's authority as of midnight December 31, 1994.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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MADE AND ENTERED in Lincoln, Nebraska, this 9th day of January, 1995.

COMMISSIONERS CONCURRING:



//s//Frank E. Landis

//s//Daniel G. Urwiller

//s//James F. Munnelly

NEBRASKA PUBLIC SERVICE COMMISSION



Chairman

ATTEST:



Deputy Director