

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 FOR HEARING
carrier authorities nullified by	)	
passage of Public Law 103-305.	)	ENTERED: FEBRUARY 21, 1995

BY THE COMMISSION:

OPINION AND FINDINGS

The Commission, on its own motion, finds that further action is necessary in order to complete the transfer of general commodity authority to household goods authority.

On January 9, 1995, the Commission entered an order in this docket to revoke all certificates and permits except those which authorized the intrastate transportation of household goods or passengers. This action was taken pursuant to passage by Congress of the Federal Aviation Administration Authorization Act of 1994, Public Law 103-305. Section 601 of Title IV of this Act amended Section 11501 of Title 49, United States Code, to preempt state economic regulation of intrastate motor carrier transportation.

Previous to this action, on November 1, 1994, the Commission's Motor Transportation Department sent notice to all intrastate general commodities authority holders requesting that they indicate whether they choose to either subscribe to the household goods tariff and retain their intrastate authority, or not subscribe to the tariff and thereby accept revocation of their authority effective January 1, 1995.

Forty-four (44) motor carriers responded affirmatively, and their general commodities authorities were, therefore, not revoked by the Commission's order of January 9, 1995, entered in this docket. Pursuant to Neb. Rev. Stat. 75-118.01, a hearing should be ordered to receive comment and evidence on our proposal to amend those retained general commodities authorities by substituting the term "household goods" for "general commodities" in each certificate and permit and reissue authority for transportation of household goods within the territory in which the carrier was authorized to transport general commodities.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that a hearing be held on March 13, 1995, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, at which affected carriers and any other interested parties may submit evidence in support of issuance of different authority than that proposed in the previous orders entered herein.

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IT IS FURTHER ORDERED that all motor carriers which retained their general commodities certificates or permits by giving notice to the Commission prior to or within 30 days of the date of mailing of the January 9, 1995, order in this docket receive individual notice of the hearing set herein, and that notice of hearing be published in accordance with Commission rules.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of February, 1995.

COMMISSIONERS CONCURRING:

*Rod Johnson*

//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

*Daniel G. Urwiller*

Chairman

ATTEST:

*Robert R. Taylor*

Executive Director