

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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: NOVEMBER 1, 1994

BY THE COMMISSION:

The Commission, on its own motion, finds and orders as follows:

OPINION AND FINDINGS

On August 23, 1994, President Clinton signed Public Law 103-305, the Federal Aviation Administration Authorization Act of 1994. Section 601 of Title VI of this Act of Congress amended Section 11501 of Title 49, United States Code, to preempt state economic regulation of intrastate motor carriers.

Sec. 601(c) of the Act provides that except as provided in paragraphs (2) and (3) in newly amended 49 U.S.C. 11501(h), "a State, political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of any motor carrier . . . or any motor private carrier with respect to the transportation of property."

We find that a hearing should be ordered to determine the exigency of revoking those motor carrier certificates and permits issued by this Commission, and those tariffs authorized by the Commission, which will become null and void on January 1, 1995, the effective date of the federal law.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that a hearing be held on December 20, 1994, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, to admit evidence and hear argument in this matter.

IT IS FURTHER ORDERED that all certificated and permitted motor carriers, other than passenger carriers and carriers with express authority to transport household goods which are excepted under the federal law, receive individual notice of this proceeding, and that notice of hearing be published in accordance with Commission rules.

MADE AND ENTERED this 1st day of November, 1994.

COMMISSIONERS CONCURRING:

Daniel L. Uviller

//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

NEBRASKA PUBLIC SERVICE COMMISSION

Frank J. Landis
Chairman

ATTEST:

James F. Munnelly
Executive Director