

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re)	APPLICATION NO. PI-3
)	
Nebraska Public Service)	N O T I C E
Commission Investigation of)	O F
Intrastate Garbage Transportation)	I N Q U I R Y
Regulation.)	
)	ENTERED: June 2, 1992

NOTICE

COMES NOW the Nebraska Public Service Commission (PSC) and on its own motion reopens the docket on Application No. PI-3 for purposes of commencing an inquiry to obtain information and comment on matters relating to motor carrier transportation of garbage, wastes and recyclables. The purpose of the inquiry is to obtain comment to assist in resolving existing or potential problems in this area in relation to the PSC order entered on March 10, 1992, wherein the PSC found and ordered that common and contract carriers of recyclables must have a certificate or permit of authority.

All motor carriers and interested persons are invited to comment and provide information either in writing or at a hearing scheduled to be held at 9:30 a.m. on July 13, 1992, in the Commission Hearing Room, 300 The Atrium, 1200 "N" Street, Lincoln, Nebraska. The PSC requests that written comments be received no later than July 8, 1992. All preliminary inquiries on this matter should be addressed to Dwight Wininger, Executive Director, at P.O. Box 94927, Lincoln, NE 68509-4927.

Information and comments are invited on a voluntary basis as a matter of courtesy for consideration by the PSC. No final order or rule will necessarily result from this inquiry; however, a rulemaking could follow if deemed necessary to better define those statutes and rules already in place. As a result of this inquiry and through research and comments received, the PSC will gain background for formulating interpretive policy for implementation in application cases, protested or nonprotested, and for making declaratory rulings. In addition to the possibility of new rulemaking, this inquiry could result in formulating proposed legislation.

INQUIRY

For purposes of this inquiry, the terms "waste" or "solid waste" shall be synonymous with the term "garbage". What is an appropriate definition of "garbage" (ashes, trash, rubble, waste, etc.) for motor carrier purposes? For PSC purposes, "garbage" is intended to be inclusive of ashes, trash, rubble, waste (including hazardous waste), refuse, garbage, and organic and inorganic matter. However, in the statutes administered and enforced by the PSC, there is no definition of "garbage". The PSC would propose to define "garbage" using a common meaning such as "anything intended for ultimate disposal through incineration, burial, or like thing". Such a definition would include household waste, commercial waste, industrial waste, hazardous waste, petroleum waste, waste oil, waste water or any other material intended for ultimate disposal.

APPLICATION NO. PI-3

PAGE TWO

What is an appropriate definition of "recyclables"? For PSC purposes, "recyclables" is intended to mean "material diverted from the solid waste stream which can be used as raw material for new products, and for which a market exists." The PSC proposes to view garbage material as remaining garbage until diverted from the solid waste stream. Therefore, even potential recyclable materials, if unseparated from garbage, remain garbage if destined for ultimate disposal. The PSC maintains by its order of March 10, 1992, that recyclables remain property for motor carrier purposes, if those recyclables are actually shipped to or from a recycling center with the intent of being used as raw material for new products.

All testimony and written comment need not be limited to the issues expressed above but should relate to for-hire intrastate motor carrier transportation of garbage and recyclables.

MADE AND ENTERED at Lincoln, Nebraska this 2nd day of June, 1992.

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

COMMISSIONERS CONCURRING:

//s//Duane D. Gay
//s//Frank E. Landis, Jr.
//s//James F. Munnelly
//s//Eric Rasmussen