

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. MR-1020/PI-94
 Public Service Commission, on)
 its own motion, to investigate) ORDER OPENING DOCKET,
 whether the Commission has) REQUESTING WRITTEN COMMENTS
 jurisdiction to regulate) AND SCHEDULING A PUBLIC
 Portable Storage of Nebraska,) HEARING.
 LLC, dba PODS, Omaha, Nebraska.)
) Entered: March 22, 2005
)

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission) hereby opens the above-captioned docket, on its own motion, to investigate whether the Commission has jurisdiction to regulate Portable Storage of Nebraska, LLC, dba PODS, Omaha, Nebraska (PODS).

Neb. Rev. St. § 75-301(2) states "It is the policy of the legislature to (a) regulate transportation by motor carriers of passengers and household goods in intrastate commerce upon the public highways of Nebraska..".

"Sections 75-301 to 75-322 shall apply to transportation by a motor carrier or the transportation of passengers and household goods by a regulated motor carrier for hire in intra - state commerce. . . ." Neb. Rev. Stat. § 75-303. A regulated motor carrier "means any person who or which owns, controls, manages, operates, or causes to be operated any motor vehicle used to transport passengers, other than those excepted under section 75-303, or household goods over any public highway in this state." Neb. Rev. Stat. § 75-302(17).

Neb. Rev. St. § 75-302(10) defines house goods as "personal effects and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, and similar property as the commission may provide by regulation if the transportation of such property, is: (a) Arranged and paid for by the householder, including, transportation of property from a factory or store when the property is purchased by the householder with the intent to use in his or her dwelling; or (b) arranged and paid for by another party;".

PODS uses specialized containers which are dropped off at the shippers location, loaded and unloaded by the shipper, and then delivered to either the shipper's new location or to a storage facility. PODS does not provide any services in the

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move other than the transportation or storage of the container after it is loaded by the shipper. PODS' service is available to residential or business customers.

PODS purchased the authority of A-1 Movers in certificate M-13766 and received temporary authority to operate in Nebraska on December 14, 2004. The protest period on the transfer of the authority expired with no protests being filed. Subsequently, PODS filed an amendment to the Official Class and Commodity Tariff 7F and Tariff 22 to include charges related to the specialized equipment used by PODS. Several protests were filed by household goods movers questioning whether the nature of PODS' service is within the regulatory jurisdiction of the Commission.

The Commission requests written comment from all interested parties related to whether the service offered by PODS is within the Commission's jurisdiction **on or before April 12, 2005 at 5:00 p.m.** All parties filing comments should file one original, five paper copies and one electronic copy in MS Word format.

A public hearing is scheduled for **April 20, 2005 at 10:00 a.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska to allow all interested parties an opportunity to address the written comments.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be, and it is hereby, opened to investigate the feasibility and propriety of the regulation of Portable Storage of Nebraska, LLC, dba PODS, Omaha, Nebraska.

IT IS FURTHER ORDERED that interested parties submit written comments related to the issues listed above on or before **5:00 p.m. on April 12, 2005.** All parties submitting comments should provide one original, five paper copies and one electronic copy in MS Word format on a disk/CD or sent via email to amelton@mail.state.ne.us.

IT IS FINALLY ORDERED that a public hearing is hereby scheduled for **April 20, at 10:00 a.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska to review the written comments submitted.

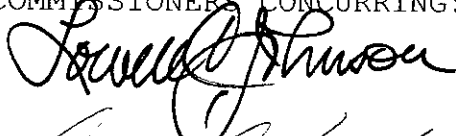
SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of
March, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:





//s// Frank E. Landis

//s// Gerald L. Vap

Chairman



ATTEST:



Executive Director