

LEGISLATIVE BILL 247

Approved by the Governor March 25, 2005

Introduced by Baker, 44

AN ACT relating to the Public Service Commission; to amend sections 75-133 and 75-134, Reissue Revised Statutes of Nebraska; to clarify jurisdiction relating to administrative revocations; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 75-133, Reissue Revised Statutes of Nebraska, is amended to read:

75-133. Whenever the commission has reason to believe that any motor carrier, regulated motor carrier, ~~or~~ other common or contract carrier as described in section 75-109, competitive natural gas provider as defined in section 66-1848, or jurisdictional utility as defined in section 66-1802 is in neglect or violation of ~~Chapter 75 or 86, it~~ a statute or rule or regulation under the jurisdiction of the commission, the commission shall at once institute an investigation and fix a time and place for hearing thereon, upon its own motion, and shall make any order as it deems just and reasonable, including, but not limited to, an order that the carrier cease and desist from continuing such neglect or violation made effective on the date of entry of the order by the commission an order revoking, suspending, or modifying the certificate of public convenience and necessity, permit, registration, license, or other authority granted by the commission or a cease and desist order.

Sec. 2. Section 75-134, Reissue Revised Statutes of Nebraska, is amended to read:

75-134. (1) A commission order entered after a hearing shall be written and shall recite (a) a discussion of the facts of a basic or underlying nature, (b) the ultimate facts, and (c) the commission's reasoning or other authority relied upon by the commission.

(2) Every order of the commission shall become effective ten days after the date of the mailing of a copy of the order to the parties of record except (a) when the commission prescribes a later effective date, (b) as otherwise provided in section 75-121 or 75-139, (c) ~~as otherwise provided~~ for cease and desist orders issued pursuant to section 75-133 which shall become effective on the date of entry, or (d) for orders entered pursuant to section 75-319 which shall ~~be~~ become effective on the date of entry.

(3) Except as otherwise provided in this section or for rate orders provided for in section 75-139, any appeal of a commission order shall not stay enforcement of such order unless otherwise ordered under subsection (3) of section 84-917.

Sec. 3. Original sections 75-133 and 75-134, Reissue Revised Statutes of Nebraska, are repealed.