

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

IN THE MATTER OF )  
CHIEF SCHOOL BUS SERVICE, INC., )  
APPLICATION B-1257. )

PROTEST

RECEIVED  
MAY 31 1988  
MOTOR TRANSPORTATION  
DEPARTMENT  
Nebraska Public Service Commission

COMES NOW 49th Street Company d/b/a Leisure Inn Motel, a Nebraska corporation, doing business at 4815 "L" Street in Omaha, Nebraska 68117, and states as follows:

1. 49th Street Company d/b/a Leisure Inn Motel ("Leisure") is a Nebraska corporation duly organized and existing under and by virtue of the laws of the State of Nebraska with its principal place of business located at 4815 "L" Street in Omaha, Nebraska. Lois Acton is president of Leisure; James Malolepszy is secretary/treasurer of Leisure.

2. Pursuant to Certification Number B-1198, supplements number 1 and 2, Leisure currently has Nebraska common carrier authority as follows:

Service Authorized: Transportation of Union Pacific Railroad crews, their baggage and train list documents by van-type vehicles to destinations in Nebraska designated by the Union Pacific Railroad, including to and from the Leisure Inn Motel at 49th and "L" Streets in Omaha, Nebraska for lodging purposes. All services to be restricted to that performed pursuant to a contract with Union Pacific Railroad made under open bids taken on September 15, 1987.

Territory Authorized: Transportation by van-type vehicles over irregular routes of Union Pacific train crews, together with their baggage and train list documents between all points in Nebraska on and east of U.S. Highway 83, including transportation to the Leisure Inn Motel at 49th and "L" Streets in Omaha, Nebraska for lodging purposes. All service to be restricted to that performed under contract with the Union Pacific Railroad made under open bids taken on September 15, 1987. Restrictions: To service provided in mini-bus/van-type vehicles of 10 passenger capacity. Further restricted to no service to Richardson County or service to points in Nebraska on trips that originate or terminate in Richardson County over irregular routes.

3. Pursuant to ICC permit number MC 205046, Leisure is currently operating as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting passengers and their baggage, in the same vehicle with passengers, in charter and special operations, between points in Nebraska, Kansas and Missouri under continuing contracts with the Union Pacific Railroad of Omaha, Nebraska. Said permit is issued pursuant to authority granted by the ICC.

4. Leisure has been recently contacted by the Union Pacific Railroad for purposes of contracting to provide the similar intrastate service between all points in Nebraska except as restricted to no service to Richardson County or service to points in Nebraska on trips that originate or terminate in Richardson County over irregular routes. Pursuant to the rules of the Nebraska Public Service Commission, Leisure has an application pending for motor carrier authority for such authority. Leisure is willing and able to do so without reservation.

5. The application for this authority would include that for which Leisure already has partial authority and for which Leisure is requesting supplemental authority. It also purports to include service identical to that being provided by Leisure, for the Union Pacific Railroad territories in which Leisure has been granted authority by the Nebraska Public Service Commission and the ICC. The grant of authority to the Applicant without exclusions for contracts with the Union Pacific Railroad would preclude Leisure from expanding its current and anticipated business with the Union Pacific Railroad in this State and would also purport to authorize duplicated service currently being provided by Leisure in the territory previously identified. In addition, the granting of such authority is not justified by public convenience or necessity as required by statute and is contrary to the intent of the Nebraska Legislature as articulated in §75-301 et seq.

6. Leisure respectfully represents to the Commission that the rules of the Commission cannot be complied with unless a public hearing is held. The applicant must explain, formally, to

all persons interested, the specific need and reasons for such need to authorize the requested service.

7. Leisure specifically protests the approval of such Application without public hearing.

WHEREFORE, Leisure prays for an order of the Nebraska Public Service Commission setting the Application of Chief School Bus Service, Inc. of Omaha, Nebraska, for a formal and public hearing. Leisure further requests such hearing to be held at a mutually convenient place, preferably in Omaha, Nebraska.

49TH STREET COMPANY d/b/a LEISURE  
INN MOTEL, a Nebraska corporation

By: John W. Herdzina  
Of Abrahams, Kaslow & Cassman  
8712 West Dodge Road, #300  
Omaha, NE 68114  
Telephone: (402) 392-1250  
Its Attorneys

I have reviewed the contents of the foregoing "Protest" and believe based upon my best information that the facts recited therein are true and accurate.

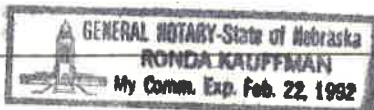
James Malolepszy  
James Malolepszy

STATE OF NEBRASKA     )  
                                  ) SS.  
COUNTY OF DOUGLAS    )

27th The foregoing instrument was acknowledged before me this  
day of May, 1988 by James Malolepszy.

Ronda Kauffman  
Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Protest was mailed to:

Chief School Bus Service, Inc.  
311 South 67th Street  
Omaha, NE 68106

Brad E. Kistler, Esq.  
500 The Atrium, 1200 N Street  
Lincoln, NE 68501

Jack L. Shultz, Esq.  
500 The Atrium, 1200 N Street  
Lincoln, NE 68501

by regular United States mail, postage prepaid, this 27 day  
of May, 1988.

  
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John W. Herdzina