

FILED

MAY 17 1991

BEFORE THE

NEBRASKA PUBLIC SERVICE COMMISSION

EXECUTIVE DIRECTOR
NEBRASKA PUBLIC SERVICE
COMMISSION

IN THE MATTER OF THE APPLICATION
OF JERRY SPADY PONTIAC-
CADILLAC, INC.

) Application No. B-1306
)
) Published in the **Daily Record**
) Date: May 13, 1991
) Vol. 105 No. 95 Page 6

PROTEST AND REQUEST FOR ORAL HEARING

COMES NOW Brown's Crew Car of Wyoming, Inc., d/b/a Armadillo Express, B-1144, (protestant) and protests the above-referenced application.

Protestant holds authority as shown on the attachment hereto. Said authority conflicts with that sought in the instant proceeding. Protestant holds itself out to perform all of the service authorized by its authority, is currently transporting traffic thereunder, and any diversion of traffic to the applicant carrier would be detrimental to the protestant. Protestant is able to transport and is desirous of handling additional traffic under its authority.

Protestant operates motor vehicle equipment which is adequate, equipped and suitable for the transportation of the subject commodities. Protestant maintains terminals and other facilities adequate for its operations, and is willing to expand them as necessary.

Protestant requests an oral hearing in this proceeding, to adduce evidence to show the suitability of its service with respect to the involved traffic, and to cross-examine the applicant and any supporting shippers concerning the applicant's proposed operation and any alleged need for such operation. Such evidence cannot reasonably be submitted in the form of affidavits because protestant has no way of determining in advance the evidence to be offered by the applicant and any supporting shippers. Oral cross-examination is essential to test any allegations of service proposals and requirements advanced by the applicant and any supporting shippers.

Protestant will present the testimony of at least one witness at such hearing and will require approximately one-half hour to present its direct evidence. Protestant hereby certifies that, if an oral hearing is held in this proceeding (subject to an elimination of protestant's interest through amendment or otherwise) it will appear and present such evidence.


Protestant hereby offers to withdraw its protest in the event that applicant amends its application so as to eliminate protestant's interests as shown by its conflicting authority.

The undersigned hereby certifies that one copy of this protest has this date been served, by first-class mail, postage prepaid, on Jerry Spady Pontiac-Cadillac, Inc., 212 West 2nd, P. O. Box 1006, Hastings, Nebraska 68901.

Respectfully submitted,

BROWN'S CREW CAR OF WYOMING, INC.,
d/b/a ARMADILLO EXPRESS

Dated: May 15, 1991

By 
Bradford E. Kistler
Protestant's Attorney
KINSEY RIDENOUR
BECKER & KISTLER
1301 American Charter Center
P. O. Box 2512
Lincoln, NE 68502
(402) 438-1313

NOTE: Protestant's interest will be satisfied and its Protest withdrawn if this application is restricted against the transportation of railroad train crews and their baggage.

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Brown's Crew Car of Wyoming, Inc., dba Armadillo Express
Box 2582
Cheyenne, Wyoming 82001

AFTER DUE INVESTIGATION, it is hereby certified that the above named carrier has complied with all applicable provisions of section 75-301 to section 75-322.01, R.R.S. 1943, as amended, and the requirements, rules and regulations prescribed thereunder, and, therefore, is entitled to receive authority from the Nebraska Public Service Commission to engage in transportation in Nebraska Intrastate Commerce as a motor carrier.

IT IS CERTIFIED, that pursuant to the Commission's Order the said carrier be, and it is hereby, issued this Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in Nebraska Intrastate Commerce as a common carrier by motor vehicle; subject, however, to such terms, conditions and limitations as are now, or may hereafter be, attached to the exercise of the privileges granted to the said carrier.

AND IT IS FURTHER CERTIFIED, that the transportation service to be performed by the said carrier in Nebraska Intrastate Commerce shall be as specified below:

(A) SERVICE AND TERRITORY AUTHORIZED:

Transportation of Burlington Northern employees and their baggage. Between Lincoln terminal and any point along Burlington Northern Railroad within a 300-mile radius of Lincoln, Nebraska, over irregular routes.


RESTRICTION: Service within the city limits of Lincoln, Nebraska to be restricted to the transportation of Burlington Northern employees and their baggage from and to the facilities of Burlington Northern and used in connection with its railroad operation.

(B) SUPPLEMENT NO. 2

SERVICE AND TERRITORY AUTHORIZED:

Transportation of railroad train crews and their baggage between all points in Nebraska.

RESTRICTION: Restricted against the transportation of Union Pacific Railroad employees and their baggage from Omaha, Nebraska, to Fremont, Nebraska, and from Fremont, Nebraska, to Omaha, Nebraska.



ISSUED at Lincoln, Nebraska, this 15th day of February, 1985, pursuant to Order of October 30, 1984, in Application No. B-1144 Supplement No. 2.

Harold D. Simpson

Harold D. Simpson
Chairman