

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1729
of Omaha Fiesta Bus, Papillion,)
seeking authority to operate as a)
common carrier in Nebraska)
intrastate commerce in the)
transportation of passengers by)
special party bus between points) GRANTED
in Douglas, Sarpy, Cass and)
Washington counties, on the one)
hand, and, on the other hand,)
points in Nebraska over irregular)
routes. HHS designation: No.) ENTERED: SEPTEMBER 16, 2008
RESTRICTION: The transportation of)
railroad train crews and their)
baggage is not authorized.)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed July 17, 2008, Omaha Fiesta Bus, Papillion, Nebraska, hereinafter referred to as applicant, seeks to operate as a common carrier of passengers by motor vehicle as follows:

CERTIFICATE SOUGHT

Transportation of passengers and their baggage in special party bus between points in Douglas, Sarpy, Cass and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on July 29, 2008, pursuant to the rules of the Commission.

Because no protests were filed, Application B-1729 will be processed pursuant to Rule 018.03 of the rules of procedure of the Commission.

The Commission's authority over common carriers in charter service is governed in part by federal law, which restricts States from enacting or enforcing any law, rule, regulation, standard, or other provision having the force and effect of law relating to the authority to provide intrastate or interstate charter bus transportation. See 49 U.S.C. § 14501. Federal law further provides that States are not restricted from exercising safety regulatory authority with respect to motor vehicles, and may regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization. Id.

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After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is able properly to conform to applicable provisions of Neb. Rev. Stat., sections 75-301 to 75-322.04, (Reissue 2003), and the requirements, rules and regulations of the Commission thereunder.
2. Upon compliance with Neb. Rev. Stat. sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Reissue 1996), and with the rules and regulations of the Commission, a Certificate of Compliance should be issued as proposed:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers and their baggage in special party bus between points in Douglas, Sarpy, Cass and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS designation: No. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1729 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Compliance shall be issued to Omaha Fiesta Bus, Papillion, Nebraska, in Application B-1729, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Compliance authorized by the Commission unless and until applicant has fully complied, within ninety (90) days from the effective date of this Order, with Neb. Rev. Stat. sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Reissue 2003), and with the rules and regulations of the Commission, and if upon expiration of such time applicant has not complied with such terms and conditions, this Order shall, after reasonable notice to applicant, be of no further force and effect.

IT IS FURTHER ORDERED that applicant shall not conduct operations until a Certificate of Compliance is issued.

IT IS FURTHER ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.

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MADE AND ENTERED at Lincoln, Nebraska, this 16th day of September, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

David T. Vogt

Robert J. Jensen

Tim Schrom

//s// Anne C. Boyle

Anne C. Boyle

Chair

ATTEST:

Michael R. J. J.

Executive Director