

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. B-1896
of Davis Entertainment LLC,) Supplement 1
d/b/a Ollie the Trolley, Omaha,)
seeking to extend its authority)
as a common carrier in Nebraska)
intrastate commerce in the)
transportation of passengers in)
open class by van between points) ORDER GRANTED AS AMENDED
in Cass, Dodge, Douglas, Sarpy,)
Saunders and Washington)
counties, and between said)
counties, over irregular routes.)
RESRCTIONS: The transportation)
of railroad train crews and)
their baggage is not authorized.)
HHS Designation: No.) Entered: December 10, 2019

BY THE COMMISSION:

On May 13, 2019, Davis Entertainment LLC d/b/a Ollie the Trolley ("Applicant"), Omaha, filed an application seeking authority to extend its common carrier authority to allow for the use of vans in its open class service between points in Cass, Dodge, Douglas, Sarpy, Saunders, and Washington counties, and between said counties, over irregular routes. The transportation of railroad train crews and their baggage is not authorized, and Applicant is not seeking HHS Designation. Notice of the application was published in The Daily Record, Omaha, Nebraska, on May 17, 2019.

Timely protests were filed by WHC NE, LLC d/b/a zTrip; WHC NE, LLC, d/b/a Cornhusker Cab Company; WHC NE, LLC d/b/a Happy Cab; WHC NE, LLC, d/b/a Checker Cab Company; WHC NE, LLC, d/b/a Yellow Cab Company; WHC NE, LLC, d/b/a Safeway Cabs (collectively, "zTrip"); Camelot Transportation, Inc., and Triumph Transportation, Inc. (together with zTrip, "Protestants"). Protests were granted on July 30, 2019.

A hearing was scheduled for November 6, 2019, but was cancelled when the parties informed the Commission that a proposed settlement had been reached. On November 4, 2019, Protestants each filed a Motion to withdraw their protests. On November 5, 2019, the Hearing Officer granted the motions to withdraw protests.

On November 1, 2019, Applicant filed a Motion to amend its application, which was granted on November 4, 2019, to include the following proposed restrictive language:

RESTRICTIONS: Service may not be provided in vehicles with seating capacity of less than seven (7). Service may not be provided in sedans or minivans.

All other proposed language related to operational territory and restrictions remain unchanged from the original application.

Application No. B-1896, Supplement 1 was then processed pursuant to Rule 002.10 of the Rules of Procedure of the Commission.

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

1. Applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of Neb. Rev. Stat. §§ 75-301 to 75-322 and the requirements, rules and regulations of the Commission thereunder.
2. The proposed intrastate service is or will be required by the present or future public convenience and necessity to the following extent:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED: COMMON: Open class service by van between points in Cass, Dodge, Douglas, Sarpy, Saunders and Washington Counties, and between said counties, over irregular routes. RESTRICTIONS: Service may not be provided in vehicles with seating capacity of less than seven (7). Service may not be provided in sedans or minivans. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

3. The application should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1896, Supplement 1 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in the Order, a Certificate of Public Convenience and Necessity shall be issued to Davis Entertainment LLC d/b/a Ollie the Trolley, Omaha, Nebraska in Application B-1896 Supplement 1, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Public Convenience and Necessity authorized by the

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Commission unless and until applicant has fully complied, within a reasonable time from the effective date of this Order, with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates), (Reissue 2018), 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 Public Convenience and Necessity is issued.

IT IS FINALLY ORDERED the Certificate of Public Convenience and Necessity authorized shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 10th day of December, 2019

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rystal Knodes
Rob Peterson
Tom Schram
Dan Wassenaar

Mary Reddis

Chair

ATTEST:

Michael S. Hill

Executive Director