

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. B-2023
Application of Barley Bus, LLC)
d/b/a Barley Bus Tours, Kansas)
City, Missouri, seeking)
authority as a common carrier)
in Nebraska intrastate commerce)
in the transportation of) GRANTED
passengers by bus in charter)
service between points within a)
75-mile radius of the city)
limits of Omaha over irregular)
routes. RESTRICTIONS: HHS)
Designation: No.) Entered: March 30, 2021

BY THE COMMISSION:

By application filed January 12, 2021, Barley Bus, LLC d/b/a Barley Bus Tours ("Applicant"), Kansas City, Missouri, seeks authority to operate as a common carrier in Nebraska intrastate commerce as follows:

AUTHORITY SOUGHT

COMMON: Transportation of passengers by bus in charter service between points within a 75-mile radius of the city limits of Omaha over irregular routes.
RESTRICTIONS: HHS Designation: No.

Notice of the application was published in The Daily Record, Omaha, Nebraska on January 15, 2021. Because no protests were filed, Application No. B-2023 was processed pursuant to the Commission's Rule of Modified Procedure.

O P I N I O N A N D F I N D I N G S

Applicant is a Missouri limited liability company with its principal office in Kansas City, Missouri. Applicant will provide transportation by bus under a charter designation within a limited territory surrounding the city of Omaha. Applicant will not provide any other intrastate passenger transportation services outside of charter service.

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

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other provision having the force and effect of law relating to the authority to provide intrastate or interstate charter bus transportation.¹ 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.²

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 proposed service, and to conform to the provisions of Neb. Rev. Stat. §§ 75-301 and 75-322 (Cum. Supp. 2020) and the requirements, rules and regulations of the Commission thereunder.
2. Upon compliance with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates), and with the rules and regulations of the Commission, a Certificate of Public Convenience and Necessity should be issued as proposed:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED

COMMON: Transportation of passengers by bus in charter service between points within a 75-mile radius of the city limits of Omaha over irregular routes.

RESTRICTIONS: HHS Designation: No.

3. The application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-2023 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to Barley Bus, LLC d/b/a Barley Bus Tours, Kansas City, Missouri, in Application No. B-2023, authorizing the operations set forth in the foregoing findings.

¹ 49 U.S.C. § 14501.

² *Id.*

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IT IS FURTHER ORDERED that the Applicant shall not be issued a Certificate of Public Convenience and Necessity authority by the Commission unless and until Applicant has fully compiled, within a reasonable time from the effective date of this Order, with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-208 (rates), 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 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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 30th day of March, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cystal Keadler
Mary Keadler
Tim Schram

Don Watson
Chair

ATTEST:

Mark P. Hyatt