

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                |                          |
|--------------------------------|--------------------------|
| In the Matter of the           | ) Application No. B-1864 |
| Application of Smiley's,       | )                        |
| Winslow, Nebraska, seeking     | )                        |
| cancellation and revocation of | ) ORDER CANCELLING       |
| its Certificate of Public      | ) CERTIFICATE NO. B-1864 |
| Convenience and Necessity      | )                        |
| issued in Docket No. B-1864    | )                        |
|                                | ) Entered: June 29, 2021 |

BY THE COMMISSION:

On March 8, 2021, the Nebraska Public Service Commission ("Commission") Transportation Department filed a complaint against Smiley's ("Applicant"), Winslow, and other Respondents alleging violation of Neb. Rev. Stat. § 75-305 (Cum. Supp. 2020) due to failure to timely file annual fees by March 1, 2021.<sup>1</sup> Smiley's was ordered to appear at a show-cause hearing scheduled for May 4, 2021 regarding the complaint. Notice of the hearing was published in The Daily Record, Omaha, Nebraska, on March 18, 2021.

No representative for Smiley's appeared at the May 4, 2021 show-cause hearing. On May 25, 2021, Applicant filed an application to cancel its certification of authority. The Commission entered an Order on June 8, 2021 in Docket No. MCC-3196.03 finding Smiley's should be dismissed from the complaint and that the cancelation of the certificate would be handled in a separate Order. Therefore, this Order shall serve to memorialize that finding.

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

Smiley's seeks to cancel the Certificate of Public Convenience and Necessity originally issued by the Commission in Docket No. B-1864 on April 1, 2014. The Commission granted

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<sup>1</sup> See Docket No. MCC-3196.03 *Jamie L. Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, COMPLAINANT, VS. 9 Line Medical Solutions, LLC; Alpha Life Improvement Services; Ambassador Transportation, LLC; Big O's Party Bus, LLC; Black Diamond S & S; Bus at the Yard d/b/a Luxury Limousine; Daniel's Moving & Storage of Omaha; FunFamily Party Bus, LLC; Laidback Limousine, Inc.; Limousine Services, LLC; Medics At Home, Inc.; National Arbor Day Foundation; National Health Transport, Inc.; Nebraska Excellent Health Transport; Omaha Ambulance Service, Inc.; Omaha Omaha Handicap Trans. Serv.; Premier Limousine, LLC; Rid the Good Life, LLC; Royal Limousine Service; Safe Ride Shuttle; Smiley's; SNP Consulting Services; Travel Plus Limousines; and Unity Transportation Services, Inc., RESPONDENT* (opened March 8, 2021).

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Applicant the authority to provide transportation of passengers by charter and special party bus between all points in Nebraska. Applicant was also authorized to transport passengers by van between points in Washington and Dodge Counties and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes in connection to Smiley's Bar and Party Service. The transportation of railroad train crews and their baggage was not authorized and HHS designation was no.

Neb. Rev. Stat. § 75-315 provides that a certificate or permit may be suspended, changed, or revoked by application of the certificate or permit holder or on the Commission's own motion after a hearing is properly noticed and held. Testimony by Commission staff at the May 4, 2021 hearing illustrated that Applicant no longer provided services in Nebraska, rendering the certificate of authority unnecessary. Additionally, Applicant stated in its revocation application that the company was no longer providing services in Nebraska due to the 2019 flood that destroyed its business property.

Upon due consideration of this request, the Commission is of the opinion and finds that the request should be granted, and the authority granted to Smiley's, Winslow, in Docket No. B-1864 should be cancelled.

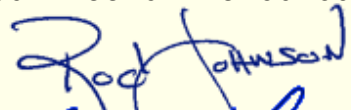
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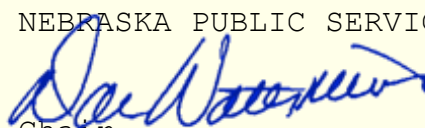
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application of Smiley's, Winslow, be, and is hereby, granted and the Certificate of Public Convenience and Necessity in Docket No. B-1864 is hereby cancelled.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 29th day of June, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


  
Chair

ATTEST:

  
Executive Director