

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Star        )     APPLICATION NO. B-1259  
Limousine, Inc., of         )     ORDER TO SHOW CAUSE  
Omaha, Nebraska.            )       
                                  )     ENTERED: OCTOBER 23, 2000

BY THE COMMISSION:

Due to the severity of the allegations on file with the Nebraska Public Service Commission (Commission), the fact that no public meeting had been scheduled for this week, and in order to minimize future risk to the general public, the Commission has determined that a special meeting should be called to commence this show cause action. The Commission is of the opinion that the commencement of this investigation is a pressing necessity warranting this particular meeting pursuant to Neb. Rev. Stat. Section 84-1411(3).

Therefore, in accordance with the purpose of this special meeting, and pursuant to Neb. Rev. Stat. Section 75-133 and Section 013 of the Rules of Commission Procedure, the Commission initiates this show cause proceeding and alleges the following:

1. The Commission granted a certificate of public convenience and necessity to "Star Limousine, Inc." (hereinafter "Star Limo") for the transportation of passengers in luxury type vehicles of seven passengers capacity or less and their baggage between points in Nebraska over irregular routes, on December 4, 1988. [Application No. B-1259]. Star Limo was granted further authority pursuant to its application made in Supplement 1 to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by limousine between points in Nebraska over irregular routes on December 1, 1998. [Application No. B-1259. Supp. 1].
2. On April 16, 1993, said corporation was dissolved for nonpayment of annual fees and has not since been revived. Star Limo failed to notify the Commission of this dissolution and the Commission became aware of this fact less than one week ago.
3. Star Limo has been operating under its corporate name despite the dissolution its corporate status, and, according to the record on file with the Commission, has since caused to be filed insurance Form E forms bearing the name "Star Limousine, Inc."

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4. According to the record on file with the Commission, Star Limo has not filed an application to transfer its authority to any other entity, nor informed the Commission of any change in name or organization structure.
5. According to allegations on file with the Commission, Star Limo has continued to enter into contracts with the general public by and through the former entity known as "Star Limousine, Inc."
6. Star Limo has caused to be filed with the Commission the lease of a 1989 Mercury limousine. According to the report submitted by Robert Harrison, the Commission's primary motor carrier investigator, the insurance coverage on this 1989 Mercury limousine was canceled by Star Limo, on September 11, 2000. According to this report, and despite the cancellation of insurance on this vehicle, Star Limo retains a current PSC plate on this vehicle. Any use of this licensed vehicle for the purposes of transporting passengers would be in violation of Neb. Rev. Stat. Section 75-307, and Section 006 of the Commission's Motor Carrier Rules & Regulations.
7. Further, according to the report filed by Mr. Harrison, a 1992 Lincoln and a 1994 Lincoln are operated by Star Limo for the purposes of transporting passengers for hire within the state of Nebraska. This report further indicates that Star Limo does not own the 1992 Lincoln nor the 1994 Lincoln. According to the record on file with the Commission, Star Limo has not submitted lease agreements bearing the proper name of the certificated entity in accordance with Title 129, Chapter 3, Section 008.02 of the Commission's Motor Carrier Rules & Regulations.
8. Title 291, Chapter 3, Section 010.01B of the Nebraska Public Service Commission Motor Carrier Rules & Regulations provides, "if a person applies for carriage and is willing to tender the fare, each operator shall convey such person to his or her destination."
9. According to complaints filed with the Commission within the past 18 days, Star Limo has failed to provide the transportation services it agreed to provide, in violation of Title 291, Chapter 3, Section 010.01B of the Nebraska Public Service Commission Motor Carrier Rules & Regulations on four separate occasions.

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10. According to allegations on file with the Commission, Star Limo has refused to tender a refund of monies accepted and for occasions where no service was given.

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

The Commission therefore finds that sufficient allegations exist leading the Commission to reasonably believe that Star Limo has operated in violation of Title 291, Chapter 3, Sections 002.01, 006, 008.02, 010.01A, and 010.01B of the Commission's Motor Carrier Rules & Regulations, and Neb. Rev. Stat. Section 75-307 (Reissue 1996). The Commission further finds that an order to show cause should be issued to Star Limousine Inc., and a hearing on this matter should be scheduled for October 31, 2000, at the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, at 1:30 p.m.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Star Limousine, Inc., of Omaha, Nebraska, is hereby ordered to show cause why the Commission should not (1) revoke respondents certificate of Public Convenience and Necessity, (2) order Star Limousine, Inc. to cease and desist from offering services as a motor carrier in Nebraska pursuant to Neb. Rev. Stat. Section 75-133 (Reissue 1996) and (3) order that it remit any such fines authorized by law.

IT IS FURTHER ORDERED that Star Limousine, Inc. personally appear before this Commission at a hearing in this matter in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, on October 31, 2000, at 1:30 p.m.

MADE AND ENTERED at Lincoln, Nebraska, this 23<sup>rd</sup> day of October, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lowell C. Johnson*

//s//Anne C. Boyle  
//s//Lowell C. Johnson  
//s//Rod Johnson  
//s//Frank E. Landis

*Arnell Sunde*  
Chairman

ATTEST:

*A. S. Pollack*  
Executive Director

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