

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) SHOW CAUSE ORDER SUSTAINED
Omaha, Nebraska.) AND CERTIFICATE REVOKED.
) ENTERED: APRIL 3, 2001

BY THE COMMISSION:

By show cause order entered March 6, 2001, this Commission ordered Star Limousine, Inc. (Star Limo), of Omaha Nebraska, to demonstrate why its certificate of public convenience and necessity should not be revoked. A hearing on the matter was held on March 21, 2001 in the Commission Library, Lincoln, Nebraska. Mr. Jeffrey Kaplan, president of Star did not enter a personal appearance at the hearing. Shanicee Knutson appeared on behalf of the Commission staff.

In our November 8, 2000, Order, the Commission held that Star Limo had ninety days to provide the Commission with documented proof that the following conditions have been met:

1. Star Limo was to provide restitution to named persons who filed complaints with the Commission and showed that they were charged for limousine service they did not receive;
2. Star Limo was to demonstrate that it had adequate insurance coverage through an alternative insurance provider;
3. Star Limo was to submit its vehicles to period inspections at the discretion of the Commission; and
4. Star Limo was to post a bond in the amount of \$5,000 to cover complaints not registered with the Commission at the time of the hearing.

The Commission staff called one witness, John Schmidt, rate analyst for the Commission, who testified as follows:

Mr. Schmidt testified that he was familiar with the books and records of the transportation department of the Commission. Mr. Schmidt testified that to his knowledge, none of the conditions set forth in the Commission's November 8, 2000, Order had been

fulfilled. Mr. Schmidt testified that Star Limo had not made any attempts to pay the complainants restitution for the monetary injury caused. Mr. Schmidt further testified that Star Limo has not demonstrated any attempts to post a bond with the Commission. Moreover, to his knowledge, Star Limo sold its vehicles and therefore had not made any attempts to document insurance on any vehicles.

The Commission staff requested that the Commission revoke Star Limo's certificate of public convenience and necessity for willful failure to comply with the Commission's Order entered on November 8, 2001.

Two witnesses were present independently to discuss a proposed purchase agreement with Star Limo. However, on March 23, 2001, the Commission was informed that the negotiations for the purchase of Star Limo had failed. Therefore, the Commission did not receive an application requesting a transfer of the authority.

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

Throughout the course of this proceeding our primary focus has been to assist those persons harmed by Star Limo's actions. We have made a conscious effort to allow Star Limo the opportunity to make amends for the injury caused to a number of consumers. It is unfortunate that this Commission does not possess the same authority as a court of general jurisdiction which would permit us to take a direct and equitable course of action. Our jurisdiction and enforcement powers are restricted to those granted expressly by Nebraska statutes. We attempted to force repayment to the complainants through our November 8, 2000, Order and our power to suspend Star Limo's authority. We then entertained the possibility of permitting a transfer this authority. Although, we would have preferred to see the complainants repaid by Star Limo, we cannot continue to hold this authority in suspension and potentially allow Star Limo to profit by proposed purchase agreements.

We find that Star Limo has demonstrated a willful disregard for Commission orders, rules and regulations in violation of Neb. Rev. Stat. section 75-315 (Reissue 1996). Accordingly, Commission is of the opinion and finds that the authority granted to Star Limousine in B-1259 should be revoked.

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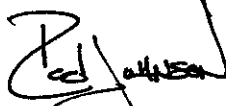
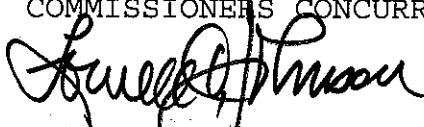
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the authority granted to Star Limousine, Inc. in B-1259, shall be, and it is hereby revoked.


MADE AND ENTERED at Lincoln, Nebraska this 3rd day of April, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Frank E. Landis
//s//Daniel G. Urwiller


Chairman
Deputy Director

