

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION B-1306
Jerry Spady Pontiac-Cadillac, Inc.,)
Hastings, Nebraska, which seeks authority)
as a common carrier in Nebraska intrastate)
commerce in the transportation of) GRANTED AS AMENDED
passengers and their baggage by limousine)
between points in Adams County over)
irregular routes.) ENTERED: July 30, 1991

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on May 10, 1991, Jerry Spady Pontiac-Cadillac, Inc., Hastings, Nebraska, hereinafter referred to as Applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Passengers and their baggage by limousine between points in Adams County over irregular routes.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on May 13, 1991, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on May 17, 1991, by Brown's Crew Car of Wyoming, Inc., dba Armadillo Express, through its attorney, Bradford E. Kistler. However, with the filing of restrictive amendments to the original application on June 21, 1991, and on July 1, 1991, protestant withdrew its protest on July 3, 1991. Application B-1306, was then processed pursuant to Rule 018.03 of the Rules and Regulations of the Nebraska Public Service 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 Sections 75-301 to 75-322.04, R.R.S. 1943, as amended, 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:

Passengers and their baggage by limousine between points in Adams County, over irregular routes. Restriction: Restricted against the transportation of railroad train crews and their baggage.

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3. The application should be granted as amended.

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1306 be, and it is hereby, granted as amended; 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 Jerry Spady Pontiac-Cadillac, Inc., Hastings, Nebraska in Application B-1306 authorizing the operations set forth in Paragraph No. 2 of the foregoing findings.

IT IS FURTHER ORDERED that Applicant shall not be issued the Certificate of Public Convenience and Necessity authorized by the Commission unless and until Applicant has fully complied, within a reasonable time from the effective date of this Order, with Sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates), R.R.S. 1943, as amended, 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 the operations until a Certificate of Public Convenience and Necessity is issued.

IT IS FURTHER ORDERED that Applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

IT IS FURTHER ORDERED that 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.

MADE AND ENTERED at Lincoln, Nebraska this 30th day of July, 1991.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel G. Uuville
Duane D. Gay

//s//Frank E. Landis, Jr.
//s//James F. Munnelly
//s//Eric Rasmussen

Frank E. Landis, Jr.
Chairman

ATTEST:

Robert R. King
Executive Director