

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of K & S) APPLICATION B-1315
Expressway, Inc., Atkinson, Nebraska,)
which seeks to acquire, through transfer,)
the authority as a common carrier in)
Nebraska intrastate commerce granted to) GRANTED AND CERTIFICATE
Kenneth and Sherry Thurlow in Certificate) B-1311, REVOKED
B-1311. Applicant seeks to extend the)
authority by seeking special authorization)
from the Commission to "pull a two wheel)
trailer to carry overflow baggage of)
passengers and express.") ENTERED: October 22, 1991

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed August 20, 1991, K & S Expressway, Inc., Atkinson, Nebraska,, seeks to acquire the operating rights granted to Kenneth and Sherry Thurlow in Certificate of Public Convenience and Necessity issued in Application B-1311, and seeks to extend the authority by seeking special authorization from the Commission to "pull a two wheel trailer to carry overflow baggage of passengers and express.

Notice of the application was published in The Daily Record, Omaha, Nebraska on August 21, 1991, pursuant to the rules of the Commission.

Since no protest was filed, Application B-1315 was processed pursuant to Rule 018.03 of the rules of the 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 proposed service.
2. The proposed transfer of operating rights will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application B-1311, is not dormant.
4. A certificate should be issued in Application B-1315 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Passengers and their baggage, and packages, periodicals, and newspapers moving in express service limited by size and weight in 10 passenger vans or minibus vehicles in charter and special party operations between points in Nebraska, except Richardson

Application B-1315

Page Two

County over irregular routes, and over regular routes between Norfolk, Chadron, and Kimball serving all intermediate points. Restriction: No transportation of railroad train crews is authorized. Authorized to pull a two wheel trailer to carry overflow baggage of passengers and express.

5. The certificate issued in Application B-1311 should be revoked and cancelled.

O R D E R

IT IS THEREFORE, ORDERED, by the Nebraska Public Service Commission that Application B-1315 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 K & S Expressway, Inc., Atkinson, Nebraska, in Application B-1311, authorizing the operations set forth in Paragraph No. 4 of the foregoing findings; and that to avoid a lapse in authority, the Certificate of Public Convenience and Necessity issued in Application B-1311, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1315.

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 operations until a Certificate of Public Convenience and Necessity is issued.

IT IS FURTHER 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.

MADE AND ENTERED at Lincoln, Nebraska this 22nd day of October, 1991.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel D. Kraville
Durane D. Gay
//s//Frank E. Landis, Jr.
//s//James F. Munnelly
//s//Eric Rasmussen

Frank E. Landis, Jr.
Chairman

ATTEST:

Pat R. [Signature]
Executive Director