

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	APPLICATION NO. B-1328
Western Sightseeing Tours, Inc., Omaha,)	SUPPLEMENT 1
Nebraska, seeking (1) to acquire,)	
through transfer, the authority as a)	
common carrier in Nebraska intrastate)	
commerce granted to Atypical Transporta-)	
tion, dba Ollie The Trolley in Certifi-)	
cate B-1313 and (2) to extend the)	GRANTED AND CERTIFICATE
authority as a common carrier in)	B-1313 REVOKED
Nebraska intrastate commerce by removing)	
the restriction in Certificate B-1328)	
which reads: "Restriction: Any dupli-)	
cation of points or routes in the fore-)	
going authorities shall not be construed)	
as authorizing more than one operating)	
right when transferring the authority or)	
conducting operations thereunder.)	ENTERED: JANUARY 9, 1995

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed November 8, 1994, Western Sightseeing Tours, Inc., Omaha, Nebraska, seeks to acquire, through transfer, the operating rights granted to Atypical Transportation, dba Ollie The Trolley in Certificate of Public Convenience and Necessity B-1313 and to extend the authority also.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on November 9, 1994, pursuant to the rules of the Commission.

Since no protest was filed, Application B-1328, Supplement 1 was processed pursuant to Rule 018.03 of the rules of procedure 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 extended 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-1313 is not dormant.
4. A certificate should be issued in Application B-1328, Supplement 1 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

(A) Passengers by bus which shall have a seating capacity of ten or more between points in Omaha and Douglas County and in the general vicinity over irregular routes, and (B) passengers by bus in charter and special party operations transporting no less than seven passengers between points in Nebraska, except Richardson County, over irregular routes. Restriction: Transportation of railroad train crews is not authorized.

5. The certificate issued in Application B-1313 should be revoked and cancelled.

O R D E R

IT IS THEREFORE, ORDERED, by the Nebraska Public Service Commission that Application B-1328, Supplement 1 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 Western Sightseeing Tours, Inc., Omaha, Nebraska, in Application B-1328, Supplement 1, authorizing the operations set forth in the foregoing findings; and that to avoid a lapse in authority, the Certificate of Public Convenience and Necessity issued in Application B-1313, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1328, Supplement 1.

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.

APPLICATION NO. B-1328, SUPPLEMENT 1

PAGE THREE

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of January, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis

//s//Frank E. Landis
//s//James F. Munnelly
//s//Daniel G. Urwiller

Daniel G. Urwiller

Chairman

ATTEST:

John Buva

Deputy Director