

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1328
Western Sightseeing Tours, Inc.,)
Omaha, Nebraska, seeking to acquire,)
through transfer, the authority as a) ORDER TO SHOW CAUSE DISMISSED,
common carrier in Nebraska intrastate) APPLICATION GRANTED, AND
commerce granted to Frank Olson, dba) CERTIFICATE B-1092 REVOKED
Western Sightseeing Tours in Certi-)
ficate B-1092 and supplement thereto.) ENTERED: SEPTEMBER 15, 1992

BY THE COMMISSION:

OPINIONS AND FINDINGS

By application filed April 3, 1992, Western Sightseeing Tours, Inc., Omaha, Nebraska, hereinafter referred to as applicant, seeks to acquire, through transfer, the operating rights granted to Frank Olson, dba Western Sightseeing Tours in Certificate of Public Convenience and Necessity B-1092.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 6, 1992, pursuant to the rules of the Commission.

Since no protest was filed, Application B-1328 was processed pursuant to Rule 018.03 of the rules of the Commission.

An order was entered on August 18, 1992, in which applicant was ordered to show cause on or before September 8, 1992, why its Application No. B-1328 should not be dismissed for lack of prosecution for failure to file affidavits. Applicant complied with the terms and conditions of the order entered on August 18, 1992.

After due consideration of the circumstances, the Commission is of the opinion that the order to show cause should be dismissed.

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-1092 is not dormant.
4. A certificate should be issued in Application B-1328 authorizing the following operations:

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CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transporting passengers on sightseeing tours to points in the City of Omaha, Nebraska, and vicinity over irregular routes in round-trip operations beginning and ending at the same location.

Transportation of passengers by limousine in Douglas, Sarpy, Washington, and Cass counties over irregular routes.

RESTRICTED: Applicant shall not transport railroad train crews between points in Nebraska other than within the city limits of Omaha.

RESTRICTION: Any duplication of points or routes in the foregoing authorities shall not be construed as authorizing more than one operating right when transferring the authority or conducting operations thereunder.

5. The certificate issued in Application B-1092 should be revoked and cancelled.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the order to show cause entered August 18, 1992, be, and it is hereby, dismissed as satisfied.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that Application B-1328 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, 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-1092, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1328.

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.

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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 15th day of September, 1992.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel S. Hurlburt
Duane D. Gay

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

James F. Munnelly
Chairman

ATTEST:

Eric Rasmussen
Executive Director