BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Modesto) APPLICATION NO. B-1387 Gonzalez, dba M.G. Taxi Service, Waco, Nebraska, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in taxicab service between points in) York, Seward, Polk, Saline, Fillmore, Hamil-) ton, and Butler counties and between points) in those counties on the one hand, and, on the other hand, points in Sarpy, Douglas, Lancaster, Hall, and Adams counties over irregular routes. Restriction: Transportation of railroad train crews and their baggage is not authorized.

GRANTED AS AMENDED

ENTERED: APRIL 11, 1995

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on January 18, 1995, Modesto Gonzalez, dba M.G. Taxi Service, Waco, 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 in taxicab service between points in York, Seward, Polk, Saline, Fillmore, Hamilton, and Butler counties and between points in those counties on the one hand, and, on the other hand, points in Sarpy, Douglas, Lancaster, Hall, and Adams counties over irregular routes. Restriction: Transportation of railroad train crews and their baggage is not authorized.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on January 19, 1995, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on February 15, 1995, by Husker Cabs, Incorporated. However, with a filing of a restrictive amendment to the original application on March 7, 1995, protestant withdrew its protest on March 10, 1995. Application No. B-1387 was then processed pursuant to Rule 018.03 of the rules of procedures 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 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:

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CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Passengers and their baggage in taxicab service between points in York, Seward, Polk, Saline, Fillmore, Hamilton, and Butler counties and between points in those counties on the one hand, and, on the other hand, points in Sarpy, Douglas, Lancaster, Hall, and Adams counties over irregular routes. Restrictions: (1) Transportation of passengers and baggage originating in Lancaster County is not authorized, and (2) transportation of railroad train crews and their baggage is not authorized.

The application should be granted as amended.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1387 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 Modesto Gonzalez, dba M.G. Taxi Service, Waco, Nebraska, in Application No. B-1387 authorizing the operations set forth in 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 11th day of April, 1995.

COMMISSIONERS CONCURRING:

//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:

Executive Director