

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1390
Brown's Transport, Inc., Omaha, Nebraska,) SUPPLEMENT NO. 1
seeking to extend its authority in)
Nebraska intrastate commerce by adding)
authority to operate as a common carrier)
in the transportation of retired and)
semi-retired persons 55 years old and) GRANTED AS AMENDED
older and children, except those con-)
fined to wheel chairs, in passenger vans)
between points within Omaha east of 72nd)
Street and north of L Street and points)
in Douglas and Sarpy counties over)
irregular routes.) ENTERED: SEPTEMBER 5, 1996

APPEARANCES: For the Applicant:
William J. Bianco, Esq.
10306 Regency Parkway Drive
Omaha, NE 68114

For the Protestants Checker Cab Company,
Yellow Cab, and Happy Cab, dba
Happy Cab Co.:
Jack L. Shultz, Esq.
800 Lincoln Square
121 S. 13th Street
Lincoln, NE 68508

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed April 22, 1996, Brown's Transport, Inc. seeks to extend its authority by adding authority to operate as a common carrier in transportation of retired and semi-retired persons 55 years old and older and children, except those confined to wheelchairs, in passenger vans between points within Omaha east of 72nd Street and north of L Street and points in Douglas and Sarpy counties over irregular routes. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 25, 1996, pursuant to the rules of the Commission. Protests to the application were filed by Shared Mobility Coach, Inc., Checker Cab Co., Yellow Cab, and Happy Cab Co. Hearing on the application was held in Omaha, Nebraska, on August 23, 1996, with appearances as shown.

Evidence as to fitness was adduced.

Applicant amended its application to:

A request for additional authority to operate as a common carrier in transportation of retired and semi-retired persons 60 years old and older and children 12 years old and younger, except those confined to wheelchairs, in passenger vans between points within Omaha east of 72nd Street and north of L Street and between points in Douglas and Sarpy counties over irregular routes. All transportation must originate between points east of 72nd Street and

north of L Street (round-trip service is authorized). Service is restricted against the transportation of passengers to and from Eppley Airfield.

With the offering of that amendment, the protestants withdrew their protests.

From the evidence adduced at the hearing and the files and records of the Commission in this matter, 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

SUPPLEMENT NO. 1

SERVICE AND TERRITORY AUTHORIZED:

Transportation of retired and semi-retired persons 60 years old and older and children 12 years old and younger, except those confined to wheelchairs, in passenger vans between points within Omaha east of 72nd Street and north of L Street and between points in Douglas and Sarpy counties over irregular routes. All transportation must originate between points east of 72nd Street and north of L Street (round-trip service is authorized). Restriction: Transportation of passengers to or from Eppley Airfield is not authorized.

3. The application for extension should be granted as amended.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application B-1390, Supplement 1 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 Brown's Transport, Inc., Omaha, Nebraska, in Application B-1390, Supplement 1 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 extended 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 extended 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 5th day September, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

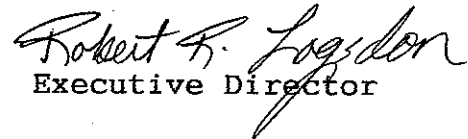


//s//Rod Johnson
//s//James F. Munnelly
//s//Daniel G. Urwiller

ATTEST:

Chairman




Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
