

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1390
Brown's Transport, Inc., Omaha, seeking) SUPPLEMENT NO. 2
to extend its authority as a contract)
carrier in Nebraska intrastate commerce)
to include transportation of (a) Infants)
and school-age children to and/or from) GRANTED AS AMENDED
day-care facilities between points in)
Douglas and Sarpy counties over irregular)
routes, and (b) Passengers subsidized by)
governmental subdivisions and other)
non-profit organizations, between points)
in Douglas and Sarpy counties over)
irregular routes.)
ENTERED: AUGUST 26, 1997

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed April 14, 1997, Brown's Transport, Inc., Omaha, Nebraska, hereinafter referred to as applicant, seeks to extend its authority to operate as a common carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

SUPPLEMENT NO. 2

(a) Infants and school-age children to and/or from day-care facilities between points in Douglas and Sarpy counties over irregular routes, and (b) Passengers subsidized by governmental subdivisions and other non-profit organizations, between points in Douglas and Sarpy counties over irregular routes.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 18, 1997, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on May 2, 1997, by Shared Mobility Coach, Inc., and on May 6, 1997, by Happy, Yellow, and Checker Cabs through their attorney, Shawn Edwards-Butler. The protests were subsequently withdrawn on July 7, 1997, and July 21, 1997. Application B-1390, Supplement No. 2, was then 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 extended service 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.

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2. The proposed extension of applicant's present intrastate service is or will be required by the present or future public convenience and necessity to the following extent:

CERTIFICATE AUTHORIZED

SUPPLEMENT NO. 2

SERVICE AND TERRITORY AUTHORIZED:

(a) infants and school-age children to or from day-care facilities, between points in Douglas and Sarpy Counties over irregular routes, (b) passengers subsidized by governmental subdivisions (including but not limited to Medicare, Medicaid and the City of Omaha's Job Transportation programs and Enterprise Community/Zone programs), between points in Douglas and Sarpy Counties over irregular routes, and (c) shall be limited to the use of four (4) passenger vans with a seating capacity of eight (8) to fifteen (15) passengers.

3. The application for extension should be granted.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application B-1390, Supplement 2 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 Brown's Transport, Inc., Omaha, Nebraska, in Application B-1390, Supplement 2, authorizing the operations set forth in Paragraph No. 2 of 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 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.

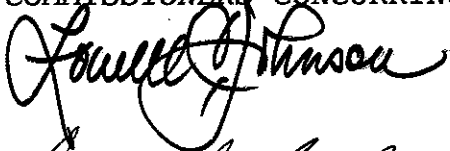

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MADE AND ENTERED at Lincoln, Nebraska, this 26th day of August, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

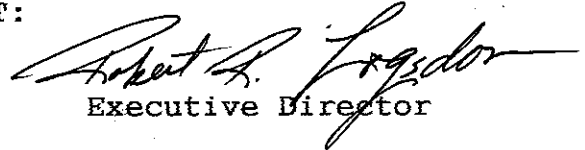
COMMISSIONERS CONCURRING:

//s//Rod Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller


Chairman

ATTEST:


Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
