

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	APPLICATION NO. B-1390
Brown's Transport, Inc., Omaha, Nebraska,)	
seeking (1) to acquire, through transfer,)	
the authority as a contract carrier)	
granted to Ivy Brown, dba Brown's Trans-)	
port in Permit B-1369 and (2) to extend)	
the authority as a common carrier in)	GRANTED AS AMENDED AND
Nebraska intrastate commerce in the trans-)	PERMIT B-1369 REVOKED
portation of students and their baggage,)	
preschool through grade 12, by passenger)	
van, between points in Douglas County over)	
irregular routes. Restriction: The)	
transportation of railroad train crews and)	
their baggage is not authorized.)	ENTERED: JULY 12, 1995

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed March 14, 1995, Brown's Transport, Inc., Omaha, Nebraska, seeks to acquire, through transfer, the operating rights granted to Ivy Brown, dba Brown's Transport in Permit B-1369.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 17, 1995, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on April 3, 1995, by McClan, Inc., dba Kids Kab. However, with the filing of a restrictive amendment to the original application on May 1, 1995, protestant withdrew its protest on May 15, 1995. Application B-1390 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 proposed 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, and that the proposed operation, to the extent authorized by the permit, will be consistent with the public interest.
2. The proposed transfer of operating rights will be consistent with the public interest and will not unduly restrict competition.
3. The permit issued in Application B-1369 is not dormant.
4. A permit should be issued in Application B-1390 authorizing the following operations:

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PERMIT AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Passengers participating in the Foster Grandparents and Senior Companions programs by van between points within a 50-mile radius of Omaha over irregular routes under continuing contract(s) with Eastern Nebraska Office on Aging; restricted to traffic originating in Douglas and Sarpy counties.

5. The permit issued in Application B-1369 should be revoked and cancelled.

O R D E R

IT IS THEREFORE, ORDERED, by the Nebraska Public Service Commission that Application B-1390 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in this Order, a Permit shall be issued to Brown's Transport, Inc., Omaha, Nebraska, in Application B-1390, authorizing the operations set forth in the foregoing findings; and that to avoid a lapse in authority, the Contract Carrier Permit issued in Application B-1369 shall be revoked and cancelled simultaneously with the issuance of a Contract Carrier Permit in Application B-1390.

IT IS FURTHER ORDERED that applicant shall not be issued the Contract Carrier Permit 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 Contract Carrier Permit 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 permit 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 12th day of July, 1995.

COMMISSIONERS CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller

Chairman

ATTEST:

Robert B. Fogel
Executive Director