

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	) APPLICATION NO. B-1400
Welch Implement Co., York, Nebraska,	)
seeking to acquire, through transfer,	)
the authority as a common carrier in	) GRANTED AND CERTIFICATE
Nebraska intrastate commerce granted to	) B-1349 REVOKED
Dennis & Connie Nuttelman, dba C J	)
Coaches in Certificate B-1349.	) ENTERED: APRIL 23, 1996

APPEARANCES: For the Applicant:  
 Bradford E. Kistler, Esq.  
 P.O. Box 22512  
 Lincoln, NE 68542

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed October 18, 1995, Welch Implement Co. seeks authority to acquire, through transfer, the authority as a common carrier in Nebraska intrastate commerce granted to Dennis & Connie Nuttelman, dba C J Coaches in Certificate B-1349. Notice of the application was published in The Daily Record, Omaha, Nebraska, on October 19, 1995, pursuant to the rules of the Commission. A protest to the application was filed on October 23, 1995, by Northeast Auto Limousine. Hearing on the application was held April 9, 1996, at Lincoln, Nebraska, with appearances as shown. Protestant did not appear. In support of the application, the applicant produced two witnesses.

Dennis E. Nuttelman testified: He is one of the owners of C J Coaches. His wife is the other owner. It has been in business almost three years. Exhibit 1 shows a resume of the authority. He wants to transfer the authority. He also will sell the 1989 Lincoln Towncar used in the business. He has a five-foot stretch, six passenger limousine. It is in very good condition. Exhibit 2 shows the movements performed by C J Coaches during the last few months it was in business.

Steven Welch testified: He lives in York. He operates Welch Implement Co. as president of the business. Transferee would operate the business essentially the same way as the transferor. Transferee will use the same black 1989 Towncar operated by transferor. Exhibit 5 shows the financial statement of the applicant. Exhibit 3 shows the trips made during the period the transferee operated the business under lease from the transferor. He has completed arrangements for PSC plates, an insurance filing and tariffs. He will obey the statutes and the rules and regulations of the Commission. He will be a driver but also hire others.

The evidence shows that the applicant transferee is fit, willing and able properly to perform the proposed service and that approval of the transaction will be consistent with public interest pursuant to Neb. Rev. Stat. Section 75-320 (Reissue 1994).

From the evidence adduced and being fully informed in the premises, the Commission finds:

APPLICATION NO. B-1400

PAGE TWO

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-1349 is not dormant.
4. A certificate should be issued in Application B-1400 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Passengers and their baggage by limousine between origin points in Polk and York counties, on the one hand, and, on the other hand, points in Polk, York, Merrick, Butler, Platte, Hamilton, Hall, Seward, Lancaster, and Douglas counties over irregular routes. Restriction: Transportation of railroad train crews and their baggage is not authorized.

5. The certificate issued in Application B-1349 should be revoked and cancelled.

O R D E R

IT IS, THEREFORE, ORDERED, by the Nebraska Public Service Commission that Application B-1400 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 Welch Implement Co., York, Nebraska, in Application B-1400, authorizing the operations set forth in the foregoing findings; and that to avoid a lapse in authority, the Certificate of Public Convenience and Necessity issued in Application B-1349 shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1400.

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.

APPLICATION NO. B-1400

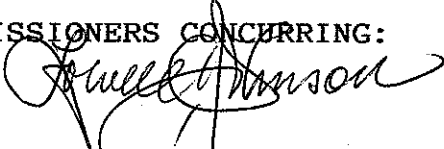
PAGE THREE

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 23rd day of April, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

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

ATTEST:

  
Chairman  
  
Deputy Executive Director

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

---

