

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1437
Lou & Mary Jo Marshall dba Double Diamond) SUPPLEMENT 1
Limousine Service, North Platte, seeking to)
extend the authority as a common carrier)
in Nebraska intrastate commerce in the)
transportation of passengers by limousine)
between points in Dawson, Perkins, Chase,) GRANTED AS AMENDED
Dundy, Hayes, Hitchcock, Gosper, Furnas,)
Cherry, Grant, Hooker, Thomas, Logan,)
McPherson, Arthur and Custer counties, and)
between points within said counties on the)
one hand, and, on the other hand, points in)
Nebraska over irregular routes.)
RESTRICTION: The transportation of railroad)
train crews and their baggage is not) ENTERED: APRIL 14, 1999
authorized.)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on February 8, 1999, Lou & Mary Jo Marshall dba Double Diamond Limousine Service, North Platte, 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 by limousine between points in Dawson, Perkins, Chase, Dundy, Hayes, Hitchcock, Gosper, Furnas, Cherry, Grant, Hooker, Thomas, Logan, McPherson, Arthur, and Custer counties, and between points within said counties on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The 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 February 10, 1999, pursuant to the rules of the Commission.

Timely protests to the granting of this application were filed on February 17, 1999, by O'Rourke & O'Rourke Buggy Rentals, Inc., and on February 24, 1999, by Prince of the Road, through its attorney, John Boehm. However, with the filing of a restrictive amendment to the original application on March 17, 1999, the protestants withdrew their protests on March 24, 1999, and on April 7, 1999. Application No. B-1437, Supplement 1, 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:

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1. Applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of Neb. Rev. Stat., Sections 75-301 to 75-322.04, (Reissue 1996), 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:

COMMON: Passengers and their baggage by luxury limousine between points in Perkins, Chase, Dundy, Hayes, Hitchcock, Cherry, Grant, Hooker, Thomas, Logan, McPherson and Arthur counties.

RESTRICTION: The transportation of railroad train crews and their baggage 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 No. B-1437, 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 Lou & Mary Jo Marshall dba Double Diamond Limousine Service, North Platte, Nebraska, in Application No. B-1437, 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 Neb. Rev. Stat., Sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates), (Reissue 1996), 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.

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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 14th day of April, 1999.

COMMISSIONERS CONCURRING:



//s//Lowell C. Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

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