

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. B-1441
of R & F Hobbies, Inc., d/b/a) Supplement 2
Prince of the Road, Ravenna,)
seeking to extend its authority)
as a common carrier of)
passengers in Nebraska)
intrastate commerce in open) MOTION FOR RECONSIDERATION
class service including clients) AND/OR REHEARING DENIED
of the Nebraska Department of)
Health and Human Services or)
subcontractors thereof between)
points in Nebraska over)
irregular routes.) Entered: April 1, 2003

APPEARANCES:

For the Applicant:

John Boehm
811 S. 13th Street
Lincoln, NE 68508

For the Protestant A-1
Ambassador:

Elaine A. Waggoner
825 M Street, Suite 209
Lincoln, NE 68508

For the Commission Staff:

Shana Knutson
300 The Atrium
1200 N Street
PO Box 94927
Lincoln, NE 68509

For the Protestant Servant
Cab Company LLC d/b/a
Yellow Cab Company and
Capital Cab Company:

Jack L. Shultz
P.O. Box 82028
Lincoln, NE 68501-2028

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On this 1st day of April 2003, the Commission considered the Motion for Rehearing and/or Reconsideration filed in the matter of R&F Hobbies d/b/a Prince of the Road in Application B-1441, Supplement 2.

Oral arguments were heard on February 19, 2003. Mr. John Boehm, Mr. Jack Shultz and Ms. Elaine Waggoner entered appearances on behalf of their clients referenced above.

Mr. Boehm argued that the Commission's November 26, 2002 Order Granting as Modified should be reversed on several grounds. With respect to the case summary, Mr. Boehm argued there were misstatements of fact in the summary when compared to the record. Upon review of the transcript, the Commission finds that there were no relevant misstatements of fact. The Commission declines to reverse its Order on those grounds. Second, the Commission does not believe that the Order entered in B-1594 on November 26, 2002 is inconsistent with the Order entered in this proceeding on the same date. Rather, the Commission finds that the orders properly reflect the weight given to the evidence in each case and the Commission's conclusions drawn from the testimony adduced. The Commission further finds no other reason upon which to reverse its earlier decision. The Commission concludes its November 26, 2002 Order was not discriminatory, arbitrary or capricious and the Order entered thereon should be affirmed.

After being fully advised in the premises, the Commission is of the opinion and finds:

1. The Motion for Rehearing and/or Reconsideration should be denied.
2. The Commission's order of November 26, 2002, in Application B-1441, Supplement 2, should be affirmed.

O R D E R

IT IS, THEREFORE, ORDERED, by the Nebraska Public Service Commission that the Motion for Rehearing and/or Reconsideration filed in Application B-1441, Supplement 2, be, and it is hereby, denied; and the order of November 26, 2002, entered in Application B-1441, Supplement 2, be, and it is hereby affirmed.

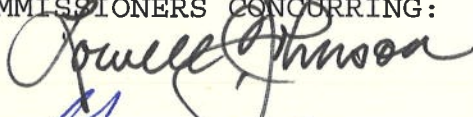
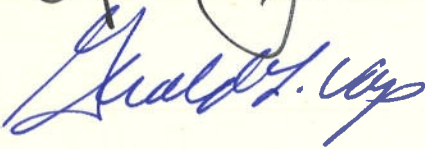
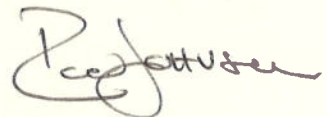
Application No. B-1441 Supp. 2

Page 3

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of April 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s//Frank E. Landis


Vice Chair

ATTEST:


Executive Director

COMMISSIONERS DISSENTING:

//s//Anne C. Boyle