

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of R & F Hobbies,)	APPLICATION NO. B-1441
Inc., dba Prince of the Road,)	SUPPLEMENT 3
Ravenna, seeking to acquire,)	
through transfer, the authority)	ORDER RULING ON DORMANCY OF
granted to Rolland C. Gressley)	CERTIFICATE
dba Aquila Limo Service, in)	
Certificate B-1432.)	ENTERED: NOVEMBER 4, 2003

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed March 31, 2003, R & F Hobbies, Inc., dba Prince of the Road, Ravenna, Nebraska, hereinafter referred to as applicant, seeks approval of the acquisition of the operating rights and authority granted to Rolland C. Gressley dba Aquila Limo Service in Certificate B-1432 which authorizes:

SERVICE AND TERRITORY AUTHORIZED:

COMMON: Transportation of passengers and their baggage by limousine between points in Sherman, Buffalo, Custer, Garfield, Hall and Howard counties and between points within said counties on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: No transportation of railroad train crews and their baggage or transportation originating in Hall County is authorized. Supp A: Transportation of passengers and their baggage by limousine between points in Loup, Blaine, Wheeler, Valley, Greeley, Hamilton, Kearney, and Phelps counties and between points within said counties on the one hand, and, on the other hand, points in Lancaster County over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Supp. B: Transportation of passengers and their baggage by luxury limousine between points in Adams, Webster, Clay and Hall counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Supp. C: Transportation of passengers by luxury limousine between points in Chase, Dundy, Hayes, Hitchcock, Frontier, Red Willow, Furnas, Gosper, Dawson, Harlan, Franklin, Nuckolls, Holt, Knox, Antelope, Boone, Nance, and Merrick counties on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: (1) The transportation of railroad train crews and their baggage is not authorized; (2) Transportation of passengers in vehicles other than sedan-style luxury limousines is not authorized; (3) The governmentally

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financed transportation of clients of the Nebraska Department of Health and Human Services and/or of private contractors of the Nebraska Department of Health and Human Services, such as, but not limited to, FHC Options, Partners, and Curtis & Association, and/or persons in the custody of the Nebraska Department of Corrections, in capacity as such clients and/or persons in custody is not authorized.

Protests were timely filed by Alford Oil Company d/b/a VIP Limousine; Omaha Limousine; A-1 Ambassador Limousine, Haymarket Limousine, A-1 Special Services and Lincoln Limousine (collectively referred to as A-1); Extreme Limousine; and A Class Act Limousine Service.

Pursuant to a planning conference order entered August 18, 2003, a hearing was held on August 28, 2003, at 8:30 a.m. in the Commission Hearing Room on the issue of dormancy of the certificate.

Mr. John Schmidt, Director of Rates and Services, was called to testify by the applicant. Mr. Schmidt testified regarding the policy of the Commission on suspensions, which was entered into the record as Exhibit 5, and provides as follows:

First-year suspensions will be granted ordinarily as a matter of routine. Second-year suspensions, however, will be considered on a case-by case basis. There will be no presumption that second-year suspensions will be granted or denied. The staff shall make a recommendation for disposition of each request for a second-year suspension and will support its recommendation with rationale. The Commission will consider the recommendation and then take action.

Mr. Schmidt further testified that the time that a certificate is placed in voluntary suspension does not count as a period of dormancy. (Tr. 5:3 - 5:21).

Mr. Rolland Gressley, owner of the Aquila Limo certificate to be transferred, testified on behalf of the applicant. Mr. Gressley submitted late filed Exhibit 4, at the request of counsel for protestant VIP Limousine. Counsel had requested all of Mr. Gressley's logs for 2001, however, the cover letter to Exhibit 4 states that Mr. Gressley's records were destroyed. Mr. Gressley attempted to reconstruct his records, and submitted an affidavit detailing his efforts to independently verify the trips shown in Exhibit 4. Exhibit 4 shows 17 trips in November of 2001 and 11 trips in December of 2001.

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Based upon the evidence adduced at hearing, the Commission finds that the certificate is not dormant. The Commission will hold a second planning conference at its earliest convenience to schedule any further proceedings in this application.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the certificate of authority granted to Roland C. Gressley dba Aquila Limo Service in Certificate B-1432 is not dormant.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of November, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lois J. Hanson
Frank E. Landis
Red J. Janssen

Anne C. Boyle
Chair

ATTEST:

ALS Pollock
Executive Director

//s//Anne C. Boyle
//s//Frank E. Landis