

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Born To Run, Inc., dba Plattsmouth Cab Co., Plattsmouth, Nebraska, seeking to acquire, through transfer, the authority as a common carrier in Nebraska intrastate commerce granted to Michael Timerman, dba Plattsmouth Cab Co. in Certificate B-1406 and to extend the authority as a common carrier in the transportation of passengers and their baggage by taxicab between points in Nemaha County and between points within said county, on the one hand, and, on the other hand, points in Lancaster, Otoe, Sarpy, Cass, and Douglas counties over irregular routes. Restriction: The transportation of railroad train crews and their baggage is not authorized.) APPLICATION NO. B-1446) GRANTED AS AMENDED AND CERTIFICATE B-1406 REVOKED) ENTERED: OCTOBER 28, 1997

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed August 22, 1997, Born To Run, Inc., dba Plattsmouth Cab Co., Plattsmouth, Nebraska, seeks to acquire, through transfer, the operating rights granted to Michael Timerman, dba Plattsmouth Cab Co. in Certificate B-1406 and to extend the authority.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 25, 1997, pursuant to the rules of the Commission.

Timely protests to the granting of this application were filed on September 9, 1997, by Tree City Cab #1320 and on September 12, 1997, by Happy Cab Co. However, with the filing of a restrictive amendment to the original application on September 26, 1997, Tree City Cab #1320 withdrew its protest on September 29, 1997, and Happy Cab Co. withdrew its protest on September 30, 1997. Application B-1446 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 certificate, 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 certificate issued in Application B-1406 is not dormant.

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4. A certificate should be issued in Application B-1446 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

(A) Passengers and their baggage in taxicab service in Plattsmouth and vicinity. (B) Passengers and their baggage by limousine between points in Cass County, and between points in Cass County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. (C) Passengers and their baggage between points in Cass County, and between points within said county, on the one hand, and, on the other hand, points in Lancaster, Nemaha, Otoe, Sarpy, and Douglas counties over irregular routes. Restriction: The transportation of railroad train crews and their baggage is not authorized.

5. The certificate issued in Application B-1406 should be revoked and cancelled.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application B-1446 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 Born To Run, Inc., dba Plattsmouth Cab Co., Plattsmouth, Nebraska, in Application B-1446, 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-1406 shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1446.

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.

IT IS FURTHER ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

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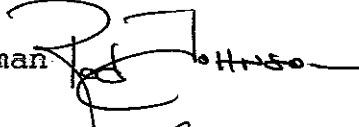
MADE AND ENTERED at Lincoln, Nebraska, this 28th day of October, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




//s//Rod Johnson
//s//Frank E. Landis
//s//Daniel G. Urwiller

Chairman 

ATTEST:


Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
