

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1456
David R. Miller dba Metro Medical)
Transportation, Inc., seeking to)
acquire, through transfer, the) TEMPORARY AUTHORITY
authority as a common carrier in) GRANTED
Nebraska intrastate commerce granted to)
James J. Banark dba Metro-Medical)
Transportation, Inc., in Certificate) ENTERED: DECEMBER 16, 1997
B-1353.)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed December 2, 1997, David F. Miller dba Metro Medical Transportation, Inc., Omaha, Nebraska, hereinafter referred to as applicant, seeks approval of the acquisition of the operating rights and authority granted to James J. Banark dba Metro-Medical Transportation, Inc., in Certificate B-1353, which authorizes:

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers in vans specially modified according to the Americans with Disabilities Act who require driver assistance to board and exist the vans, and their attendants, between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

In its application, applicant further requested that this Commission grant temporary approval to the applicant of a lease of the motor carrier properties and the certificate sought to be acquired by it. Notice of such request for temporary authority was published in The Daily Record, Omaha, Nebraska, on December 5, 1997, pursuant to the rules and regulations of this Commission.

It appears that failure to grant temporary approval may result in destruction of or injury to such motor carrier property and the certificate sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

Such temporary approval should be granted for ninety (90) days from the effective date of this Order pursuant to 75-319, Neb. Rev. Stat. (Reissue 1996):

APPLICATION NO. B-1456

PAGE TWO

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the application for approval of a lease of the motor carrier properties and the certificate sought to be acquired by David F. Miller dba Metro Medical Transportation, Inc., Omaha, Nebraska, be, and it is hereby, granted to the applicant for ninety (90) days from the effective date of this Order.

IT IS FURTHER ORDERED that transportation service rendered under such temporary authority shall be subject to the provisions of 75-101 to 75-801, Neb. Rev. Stat. (Reissue 1996) and to the rules, regulations and requirements of the Commission; such grant of temporary authority and the operations thereunder shall not be admissible in evidence to establish or prove present or future public convenience and necessity; and no renewal or extension of the period of ninety (90) days shall be granted.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of December, 1997.

NEBRASKA PUBLIC SERVICE COMMISSION


COMMISSIONERS CONCURRING:



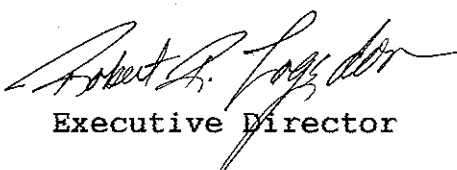
//s//Rod Johnson

//s//Frank E. Landis

//s//Daniel G. Urwiller

Chairman 

ATTEST:


Executive Director