

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	APPLICATION NO. B-1456
David F. Miller dba Metro Medical	)	
Transportation, Inc., Omaha, seeking	)	
to acquire, through transfer, the	)	GRANTED AND CERTIFICATE
authority as a common carrier in	)	B-1353 REVOKED
Nebraska intrastate commerce granted	)	
to James J. Banark dba Metro-Medical	)	
Transportation, Inc., in Certificate	)	ENTERED: JANUARY 21, 1998
B-1353.	)	

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed December 2, 1997, David F. Miller dba Metro Medical Transportation, Inc., Omaha, seeks to acquire, through transfer, the operating rights granted to James J. Banark dba Metro-Medical Transportation, Inc., in Certificate of Public Convenience and Necessity B-1353.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 5, 1997, pursuant to the rules of the Commission.

Application B-1456 was 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.
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-1353 is not dormant.
4. A certificate should be issued in Application B-1456 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

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

5. The certificate issued in Application B-1353 should be revoked and cancelled.

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## O R D E R

IT IS THEREFORE, ORDERED, by the Nebraska Public Service Commission that Application B-1456 be, and it is hereby, granted, 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 David F. Miller dba Metro Medical Transportation, Inc., Omaha, Nebraska, in Application B-1456 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-1353 shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1456.

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. 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.

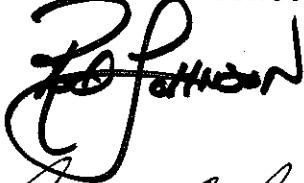
IT IS FURTHER ORDERED that applicant shall not conduct operations until a Certificate of Public Convenience and Necessity is issued.

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.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of January, 1998.

## NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chairman

ATTEST:

  
Executive Director

//s//Lowell C. Johnson

//s//Frank E. Landis