

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) APPLICATION NO. B-1466  
Joane Olson, dba V.I.P. Limo Service, )  
Holdrege, Nebraska seeking authority as )  
a common carrier in Nebraska intrastate )  
commerce in the transportation of )  
passengers and their baggage by limo- )  
usine between points in Phelps, Harlan, ) DENIED  
Furnas, Gosper, Kearney, Dawson, and )  
Buffalo Counties and between points )  
within said counties on the one hand, )  
and, on other hand, points in Nebraska )  
over irregular routes. RESTRICTION: )  
The transportation of railroad train )  
crews and their baggage is not )  
authorized. ) ENTERED: August 4, 1998

APPEARANCES: For the Applicant:  
Clark Noble, Esq.  
417 West Avenue  
Holdrege, Nebraska 68949

For the Protestants:  
None

BY THE COMMISSION:

By application filed March 12, 1998, Joane Olson, dba V.I.P. Limo Service of Holdrege, Nebraska seeks authority to transport passengers and their baggage by limousine between points in Phelps, Harlan, Furnas, Gosper, Kearney, Dawson and Buffalo Counties and between points within said counties on the one hand, and, on the other hand, points in Nebraska over irregular routes, except transportation of railroad train crews and their baggage is not authorized. Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 16, 1998, pursuant to the Rules of the Commission. A protest to the application was filed by O'Rourke & O'Rourke Buggy Rentals, dba J & M Limousine Service, of Kearney Nebraska.

Hearing on the application was held May 21, 1998, at Holdrege with appearances as shown.

Applicant produced two witnesses.

Joane Olson testified: She operates a wedding consulting business called "I Do, I Do", in Holdrege. The nature of her business is to assist couples in the planning and preparation of weddings by scheduling caterers, transportation, music, and helping with decorations and the reception. While I Do, I Do has been in business for four years, she has assisted with weddings for 31 years. She requests authority to provide limousine service in the counties in which she has provided wedding consulting services and assistance with other social events, such as proms,

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birthdays, and anniversaries. Many of her clients have requested limousine service from her. From May 1st to May 21st, she received 18 calls requesting limousine service. People have requested limousine service for weddings, anniversaries, birthdays, proms, casino runs, Nebraska football games, concerts and a baby's first ride home from the hospital. She has purchased two limousines; a 1979 and a 1983 Cadillac. Both limosines seat six passengers. She would like to purchase a stretch Cadillac in the future. Her proposed rates are \$55 an hour with a two-hour minimum, seven days a week. If a super stretch limousine is purchased, she proposes to charge \$65 a hour with a two-hour minimum. She has obtained insurance coverage on the vehicles. She looked for advertising of J & M Limo Service in telephone directories, and found such a listing in the Buffalo County directory. No other counties listed J & M Limo Service. Offered into evidence as Exhibits 1, 6, 7, 8, 9, 10, and 13 were letters from people supporting the application. She stated most people want to use a limousine for two hours or less. She testified in helping people plan their weddings, many people cannot afford a five hour minimum. She stated many people have indicated they would like to ride in a limousine for a special occasion, such as a birthday party, but did not want to pay for three or five hours of service. She also indicated people have wished such service could be available on a local basis.

Larry E. Olson testified: He assists his wife, Joane, in the operations of I Do, I Do. From 1959 to 1962, he worked at a car dealership in Franklin, Nebraska, as a parts manager. In 1962, he began working at the Strong Brothers dealership as a parts manager and service manager. The dealership sells and services Chevrolets, Oldsmobiles, and Cadillacs. He has also operated a Phillips 66 service station from 1975 to 1980 where mechanical work was provided to customers. He believes he has the mechanical experience to maintain the limousines and keep them in good condition. His son-in-law primarily drives the limousines, but he will assist if both of them are in use.

Protestant O'Rourke & O'Rourke Buggy Rentals, dba J & M Limo Service produced one witness, Gerry O'Rourke, who testified: He is the president and sole stockholder of the company. The company has been in business approximately 13 years and operates two limousines. He is certificated to provide limousine service in 73 counties, but he primarily operates in Phelps and Buffalo Counties. He believes that Ms. Olson failed to demonstrate that any need exists with regard to these two counties. While letters have been accepted into evidence, no one testified as to the need for limousine service in Buffalo and Phelps Counties. He stated he provides satisfactory service in the area. His company does not advertise in the US West or Frontier telephone directories any longer because they were not generating customers. Phelps County has provided his company with a great amount of business. Holdrege residents, in particular, have often utilized his services. He is considering placing a limousine in Holdrege due to the amount of business he receives. On cross-examination, he

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explained his rates were \$46 an hour for a six passenger limousine and \$66 an hour for a 10 passenger limousine. He charges a minimum of three hours, Monday through Thursday; and a minimum of five hours during the weekend. He says the reason the minimum is high is because the passengers use the limousine all day. For example, for a wedding, passengers are picked up, taken to a beauty salon, to the church, to the reception and then to a hotel. He stated his service is an integral part of the wedding.

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

Section 75-311 (1996) in pertinent part states:

(1) A certificate shall be issued to any qualified applicant authorizing the whole or any part of the operations covered by the application, if it is found after notice and hearing that (a) the applicant is fit, willing and able properly to perform the service proposed, and to conform to the provisions of Neb. Rev. Stat. Sections 75-301 to 75-322 (Reissue 1996) and the requirements, rules, and regulations of the commission under such sections and (b) the proposed service, to the extent to be authorized by the certificate, whether regular or irregular, passenger or household goods, is or will be required by the present or future public convenience and necessity. Otherwise, the application shall be denied. \*\*\*

Although applicant failed to adduce any evidence of financial fitness at the hearing, the Commission will take notice of the financial statements filed with the application which demonstrate financial capacity to operate a limousine. Although the applicant does not have any experience operating a limousine service, there is nothing in the record to cause concern over applicant's ability to manage such an operation. Further, Mr. Olson has demonstrated he is experienced with maintaining and repairing automobiles. From the files, records, and evidence adduced, the Commission can conclude that applicant is fit, willing, and able to properly perform the service proposed and to conform with the rules of the Commission thereunder. The Protestant did not refute the applicant's fitness.

On the issue of public convenience and necessity, the record is slim. Applicant provided evidence that there may be a desire for limosine service in the area. However, it did not produce any evidence as to the inability of existing carriers to meet this need. This is an essential element to establish public convenience and necessity.

From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds the application should be denied.

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From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing, and able properly to perform the service proposed and to conform with the statutes and the rules of the Commission thereunder.
2. Applicant has failed to show the need or inadequacy of service currently being served by the Protestant.
3. The application should be denied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1466 be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of August, 1998.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

*Anne C. Breyer*

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

*Lowell C. Johnson*  
Chairman

ATTEST:

*Robert B. Logsdon*  
Executive Director