

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) APPLICATION NO. B-1467  
Good Neighbor Ministries, Inc., of )  
Omaha, seeking authority as a com- )  
mon carrier in Nebraska intrastate )  
commerce in the transportation of )  
passengers and their baggage by ) GRANTED AS AMENDED  
passenger van between points within )  
Omaha bounded by the Missouri River )  
on the East, Interstate 680 on the )  
North and West, and Harrison Street )  
on the South over irregular routes. ) Entered: August 4, 1998

APPEARANCES: For the Staff  
John Doyle  
300 The Atrium, 1200 N Street  
Lincoln, NE 68508

For Protestants:  
Happy, Yellow, and Checker cab companies  
Shawn Butler  
10770 I Street  
Omaha, NE 68127

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed March 16, 1998, Good Neighbor Ministries, Inc., of Omaha, Nebraska, seeks authority as a common carrier in Nebraska intrastate commerce as follows:

Transportation of passengers and their baggage by passenger van between points in Omaha bounded by the Missouri River on the East, Interstate 680 on the North and West, and Harrison Street on the South over irregular courses.

Notice of the application was published in the Omaha Daily Record on March 17, 1998, pursuant to the rules of the Commission. Protests to the application were filed on: March 30, 1998 by Happy Cab Co.; Shared Mobility Coach, Inc.; April 28, 1998, Cornhusker Cab. A hearing on the application was held on June 11, 1998, in the Nebraska State Office Building, Conference Room A with appearances as shown.

Prior to the taking of evidence, applicant amended its application to seek authority to operate as a contract carrier in Nebraska interstate commerce as follows:

Transportation of passengers that are registrants of Good Neighbor Ministries, Inc., between points in Douglas and Sarpy

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counties over irregular routes. Restriction: Transportation must originate within an area bounded by 20th Street on the East, Harney Street on the North, 32nd Avenue on the West, and Martha Street on the South. Further restricted to registrants residing within said boundaries.

Upon applicant's submission of amendment, Happy, Yellow, and Checker cab companies withdrew their protests.

Applicant produced two witness in support of its application.

Steven Stout testified as follows: He is the Director of Good Neighbor Ministries. Applicant's main purpose is to share the love of Jesus Christ with the people of the neighborhood. The provision of transportation services is just one of the many ways that he intends to do this. The main source of gas and repairs for the van will be Fred's Friendly Gas Station. Applicant will pay two drivers to drive the van, which will carry up to seven passengers. The van will be acquired through donated funds.

Kathy Habegger testified as follows: She will be one of the drivers of the van. Applicant desires to transport people with physical limitations or need extra help and spend a little more time with them. Applicant also intends to offer pleasure outings.

Neb. Rev. Stat., Section 75-311 (Reissue 1996), reads in pertinent part:

A permit shall be issued to any qualified applicant therefor authorizing in whole or in part of the operations covered by the application if it appears after notice and hearing from the application or from any hearing held on the application that (a) the applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of such sections and the lawful requirements, rules, and regulations of the commission under such sections and (b) the proposed operation, to the extent authorized by the permit, will be consistent with the public interest by providing services designed by to meet the distinct needs of each individual customer or specifically designated class of customers as defined in subsection (6) of section 75-302. Otherwise the application shall be denied. \*\*\*

The evidence shows that in addition to serving the registrants of Good Neighbor Ministries, the applicant will be staffed with two drivers who will assist elderly and disabled persons not only with their transportation needs, but also with other routine tasks that are often intermixed with transportation. Applicant has investigated the equipment and insurance requirements incumbent upon it if it is to perform the service provided and has shown that applicant can obtain the necessary capital. The evidence shows that Applicant

is clearly fit, willing and able properly to perform the service proposed and to conform with the statutes and the rules of the Commission.

It simply is not in the public's interest for taxi drivers to remove their cabs from service while they attend the type of special needs the applicant here seeks to serve. However, the public does have an interest in the availability of transportation which can be modified to accommodate the needs of each individual who requires transportation as an adjunct to personal assistance. The record makes it abundantly clear that applicant seeks to provide a special service and that there is a significant need for the service applicant wants to render.

The impact of applicant's operations on the viability of Happy, Yellow, and Checker cab companies would appear to be negligible. Public convenience and necessity does indeed require the services proposed by the applicant.

Commissioner Anne Boyle urged the applicant to participate in the safety classes conducted by Happy Cab, and thanked Happy Cab for making the classes available to the applicant.

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 of a contract carrier by motor vehicle and to conform to the provisions of Neb. Rev. Stat. (Reissue 1996), Sections 75-301 to 75-322, and the requirements, rules and regulations of the Commission thereunder.
2. The proposed intrastate service is or will be required by the present or future Public Convenience and Necessity to the following extent:

#### PERMIT AUTHORIZED

#### SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers between points in Douglas and Sarpy counties over irregular routes. RESTRICTION: Transportation must originate within an area bounded by 20th Street on the East, Harney Street on the North, 32nd Avenue on the West, and Martha Street on the South. Further restricted to registrants residing within said boundaries.

3. The application should be granted as amended.

#### O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application B-1467 be, and it is hereby, granted as amended above and that a Permit shall be issued to Good Neighbor

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Ministries, Inc., Omaha, Nebraska, authorizing the services of a contract carrier by motor vehicle as set forth above.

IT IS FURTHER ORDERED that applicant shall not be issued the Permit authorized by the Commission unless and until applicant has fully complied, within a reasonable time from the effective date of this Order, with Neb. Rev. Stat., Sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates), (Reissue 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 Permit is issued.

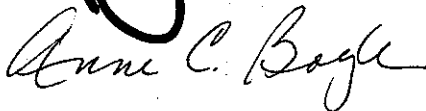
IT IS FURTHER ORDERED that applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

IT IS FURTHER ORDERED that the Permit authorized 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 4th day of August, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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

  
Chairman

ATTEST:

  
Executive Director