

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. B-1478
Security Transport Services, Omaha,)
Nebraska, seeking authority as a) MOTION FOR RECONSIDERATION
common carrier in Nebraska intra-) GRANTED;
state commerce in the transportation)
of passengers by passenger van from) ORDER TO SHOW CAUSE
points originating in Douglas and) DISMISSED; AND,
Sarpy counties to correctional facil-)
ities in Douglas, Sarpy, Lancaster,) APPLICATION B-1478,
York, and Kearney counties over irre-) and BR-222
gular routes. RESTRICTION: The trans-) REINSTATED AND
portation of railroad train crews and) GRANTED AS ORDERED.
their baggage is not authorized.)

BY THE COMMISSION:

OPINION AND FINDINGS

On June 29, 1998, Security Transport Services ("Applicant") filed an application for authority to operate as a common carrier in the intrastate transportation of passengers by passenger van from points in Douglas and Sarpy counties to correctional facilities in specific named counties. An order was entered in Docket B-1478 granting the application with amendment. On December 2, 1998, a letter was sent to the Applicant informing the Applicant of the requirements it must meet to be in full compliance with the Commission's rules and orders. Full compliance was to be made within 60 days.

As of February 2, 1999, Applicant still was not in compliance for failure to file a Form E (insurance filing) and for failure to pay annual fees. An Order to Show Cause was entered on that date on why the application should not be dismissed for lack of prosecution. Applicant was given until February 26, 1999 to respond to the Order to Show Cause. No response was received from the Applicant. Accordingly, on March 2, 1999, this Commission dismissed the application for lack of prosecution of the application.

Subsequent to this Commission sending the notice of dismissal, the Applicant contacted the Commission indicating that he had not received from this Commission any mailings which were addressed to the post office box given on the application. In fact, these notices were returned to the Commission marked by the Post Office as "Attempted - Not Known." Applicant presented proof that he had kept the post office box open. An investigation further revealed that the Post Office had, in error, failed to deliver the materials sent to the post office box.

Applicant still desires the authority sought in the original application which has since been dismissed. The Commission, on its own motion, hereby motions that the Order to Show Cause, previously sustained, should be reconsidered. Upon such reconsideration, the Commission further finds that, since the Applicant was not at fault for not having received the information requesting the information noted above. Therefore, the Commission finds that, upon reconsideration, the Order to Show Cause should be overruled and that the application which was dismissed should be reinstated pursuant to our order herein.

ORDER

IT IS, THEREFORE, ORDERED, by the Nebraska Public Service Commission that the Order to Show Cause be, and it is hereby, dismissed and Application No. B-1478 and the corresponding rate application BR-222 are, hereby, reinstated.

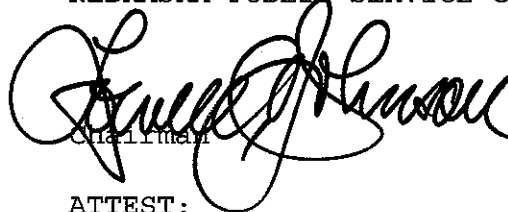
IT IS FURTHER ORDERED that the Application be subject to the same terms, conditions, and restrictions as contained in the original grant of authority under Application B-1478 and the rate application under BR-222 dated December 1, 1998.

MADE AND ENTERED in Lincoln, Nebraska on this 30th day of March, 1999.

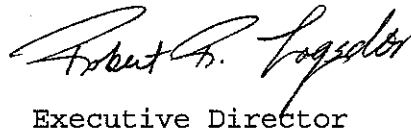
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

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


Chairman

ATTEST:


Executive Director