

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) APPLICATION NO. B-1479  
Precision Concrete Specialists, Inc. )  
d/b/a Innovative Transportation )  
Concepts of Omaha, Nebraska seeks )  
authority as a common carrier in )  
Nebraska intrastate commerce in the ) GRANTED AS MODIFIED  
transportation of passengers and )  
their baggage by limousine between )  
points in Douglas, Sarpy, Lancaster, )  
and Washington counties, and between )  
points in said counties, on the one )  
hand, and on the other hand, points )  
in Nebraska over irregular routes. ) Entered: October 20, 1998

APPEARANCES:

For the Staff:  
Chris Post  
300 The Atrium, 1200 N Street  
Lincoln, NE 68508

For the Applicant:  
David Wintroub  
1905 Harney  
Omaha, NE 68102

For Protestants:  
Marshall Becker  
477 Continental Building  
209 South 19th Street  
Omaha, NE 68102

BY THE COMMISSION:

By application filed July 10, 1998, Precision Concrete Specialists, Inc. d/b/a Innovative Transportation Concepts, seeks authority as a common carrier in Nebraska intrastate commerce, in the transportation of passengers and their baggage by limousine between points in Douglas, Sarpy, Washington, and Lancaster counties, and between points within said counties, on the one hand, and on the other hand, points in Nebraska over irregular routes. Notice of the application was published in the Omaha Daily Record on July 14, 1998, pursuant to the rules of the Commission. Protests to the application were filed on: July 16, 1998 by Armadillo Express; August 11, 1998 by Old Market Limousine and Accent Limousine. On July 24, 1998 the applicant filed a restrictive amendment, restricting the applicant from the transporting railroad train crews and their baggage. Armadillo Express then withdrew their protest to the application. A hearing on the application was held on September 10, 1998, in the Commission hearing room, with appearances as shown.

## E V I D E N C E

Applicant offered its insurance policy into the record and it was received as Exhibit 1. Applicant offered its sales and use tax statement into the record and it was received as Exhibit 2. Applicant offered statements from individuals who were unable to obtain limousine service into the record and they were received as Exhibit 3. Applicant offered an affidavit of the owner of Citadel 66, stating that the applicant would receive priority service, into the record as Exhibit 4. Exhibit 4 was objected to and taken under advisement. Applicant offered an affidavit of a former Omaha limousine company owner into the record as Exhibit 5. Exhibit 5 was objected to and taken under advisement. Applicant offered pictures of its limousine exterior and interior into the record and they were received as exhibits 6 and 7. Applicant offered its income statement into the record and it was received as Exhibit 8. Protestants offered a summary of Accent Limousine's gross income and number of trips per vehicle over the last eight months into the record and it was received as Exhibit 9. Protestants offered Old Market Limousine's vehicle utilization into the record and it was received as Exhibit 10. Protestants offered Old Market Limousine's income statement into the record and it was received as Exhibit 11. Protestants offered Old Market Limousine's vehicle utilization during weekdays and also on Saturdays into the record and they were received as Exhibits 12 and 13. Protestants offered summaries of Old Market Limousine's monthly income for 1997 and 1996 into the record and they were received as Exhibits 14 and 15.

Applicant produced two witness in support of its application.

Brad Fletcher testified as follows: He is the office manager and dispatcher of the applicant company. Applicant's net worth is listed as \$142,454. It presently holds authority from the State of Iowa. Applicant presently owns a 1997 Town Car, which has a capacity of 14 passengers. Applicant currently has a service contract with Phillips 66 service station in Omaha, Nebraska for the service and maintenance of its vehicles. Applicant proposes to charge \$90 per hour for its service with a two-hour minimum. Based on his experience as office manager for two and one half years at Old Market Limousine, there is a need for additional carriers in the Douglas, Sarpy, Washington, and Lancaster county areas as Old Market Limousine is not able to satisfy the demand for service and has turned away business during the months of April through December. The limousine to be used by the applicant is larger in size than any in the area and is equipped with certain amenities: Bar lights, ceiling lights, Nintendo 64, television, and VCR. When he worked at Old Market Limousine, there were people who requested 14 passenger vehicles, but Old Market Limousine did not operate a vehicle of that size. He also testified that based on his experience at Old Market Limousine there is a growing need for larger vehicles.

Jay Chapman testified as follows: He is the president of Precision Concrete Specialists. He has used Old Market Limousine on numerous occasions, but found that on at least three occasions that

company was unable to meet his needs for vehicles. He thought there was need for cars that could accommodate a large number of people without separating them into two separate groups. He originally purchased his limousine for his business and found there was a large demand and need for additional cars to be used in the Omaha and the Omaha Council Bluffs metro area. He updated the net worth of Precision Concrete Specialists to \$225,000.

Protestants produced two witnesses who testified as follows:

Tom Schreckenberger testified: He is the president of Accent Limousine. Accent Limousine holds authority to operate a limousine service between points in Washington, Sarpy, Douglas, and Cass counties, and between those points, on the one hand, and points in Nebraska on the other. Accent Limousine operates eight vehicles in its fleet, one eight passenger limousine, three 10 passenger limousines, three luxury sedans, and a 12 passenger van. Accent Limousine is a low profit business, and, in his opinion, an additional operator would affect his revenue. His company only has a request for larger limousines a handful of days a year. The reason he is protesting this application is to ensure that his company maintains profitability.

Jodi Jones testified: She is the vice-president of Old Market Limousine. Old Market Limousine provides luxury type transportation. It holds authority to transport passengers between all points in the State of Nebraska. It operates vehicles with a capacity between 6 to 10 passengers. Old Market Limousine operates with a profit margin of 2.19 percent. An additional company would lower the profit of Old Market Limousine. Her company does not have a 14 passenger vehicle. Old Market limousine is protesting this application to protect the business it currently has.

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

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

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 Sections 75-301 to 75-322 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. \*\*\*

The evidence shows that the applicant has investigated and fulfilled the equipment and insurance requirements incumbent upon it to perform the service proposed. The applicant is financially and managerially capable of performing the proposed service. Therefore, the evidence shows that applicant is clearly fit, willing and able to properly perform the service proposed and to conform with the statutes and the rules of the Commission.

The evidence shows that there is a limited number of 12 or more passenger limousines in the area and that the applicant's limousine has luxury features not offered by other limousine companies. Therefore, the record makes it clear that applicant seeks to provide a special service and that there is a need for the service the applicant wants to render.

The impact of applicant's operations on the viability of Accent and Old Market limousine companies would appear to be negligible. Public convenience and necessity does indeed require the services proposed by 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 to properly perform the service of a common 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:

#### CERTIFICATE AUTHORIZED

##### SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers and their baggage by limousine between points in Douglas, Sarpy, Washington, and Lancaster counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Further restricted to the operation of limousines with a capacity of 12 passengers or more.

3. The application should be granted as modified.

#### O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application B-1479 be, and it is hereby, granted as modified above and that a certificate shall be issued to Precision Concrete Specialists, Inc. d/b/a Innovative Transportation Concepts,

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

IT IS FURTHER ORDERED that applicant shall not be issued the certificate 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 Certificate 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 Certificate 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 20th day of October, 1998.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Ann C. Boyle*

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

*Lowell C. Johnson*  
Chairman

ATTEST:

*Robert R. Logsdon*  
Executive Director

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