

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1485
H & H Transportation, Inc., Saronville,)
seeking authority as a contract carrier)
in Nebraska intrastate commerce for)
Nebraska Department of Health and Human)
Services, FHC Options, Inc., and) GRANTED AS AMENDED
Western Vocational Services, Inc., in)
the transportation of passengers and)
escorts between points in Nebraska over)
irregular routes, under continuing) ENTERED: MARCH 23, 1999
continuing contracts with Nebraska)
Department of Health and Human Services,)
FHC Options, Inc., and Western)
Vocational Services, Inc.)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed September 23, 1998, H & H Transportation, Inc., Saronville, hereinafter referred to as applicant, seeks a permit to operate as a contract carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Passengers and escorts between points in Nebraska over irregular routes, under continuing contracts with Nebraska Department of Health and Human Services, FHC Options, Inc., and Western Vocational Services, Inc.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on September 24, 1998, pursuant to the rules and regulations of the Nebraska Public Service Commission pertaining to notice.

A timely protest to the granting of this application was filed on October 5, 1998, by Yellow Cab & Limo, Inc.; on October 19, 1998, by Husker Cabs, Incorporated, through its attorney, Mark Breiner; and, on October 23, 1998, by Prince of the Road. With the filing of restrictive amendments to the original application on November 1, 1998, and December 4, 1998, protestants withdrew their protests. Application B-1485 was then 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 service proposed and to conform to the provisions of Neb. Rev. Stat. Sections 75-301 to 75-322.04, (Reissue 1996), as amended, and the requirements, rules and regulations of the Commission thereunder, and that the proposed operation, to the extent authorized by the permit, will be consistent with the public interest.

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2. A permit should be issued in Application B-1485 authorizing the following operations:

PERMIT AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Passengers and their escorts between points in Lincoln, Frontier, Dawson, Gosper, Phelps, Kearney, Buffalo, Hall, Adams, Holt, Wheeler, Greeley, Howard, Hamilton and York Counties, on the one hand, and, on the other, points in Nebraska under continuing contracts for Western Vocational Services, Inc.

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-1485 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in this order, a permit shall be issued to H & H Transportation, Inc., Saronville, Nebraska, in Application B-1485 authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Contract Carrier 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), as amended, 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 the operations until a Contract Carrier 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.

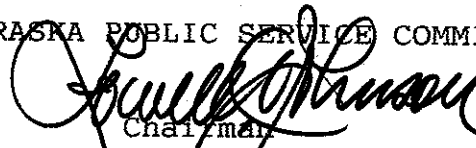

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of March, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

ATTEST:


Chairman

Executive Director

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