

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Joe Schluter, dba Airport Express, Lincoln, Nebraska, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by passenger van between points within a 70-mile radius of Lincoln over irregular routes. RESTRICTIONS: (1) Restricted to transportation prearranged 12 hours in advance. (2) The transportation of railroad train crews and their baggage is not authorized.) APPLICATION NO. B-1487
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) GRANTED AS AMENDED
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) ENTERED: FEBRUARY 2, 1999

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on September 28, 1998, Joe Schluter, dba Airport Express, Lincoln, Nebraska, hereinafter referred to as applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Passengers by passenger van between points within a 70-mile radius of Lincoln over irregular routes. RESTRICTIONS: (1) Restricted to transportation prearranged 12 hours in advance; and (2) The transportation of railroad train crews and their baggage is not authorized.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on September 30, 1998, pursuant to the rules of the Commission.

Timely protests to the granting of this application were filed on October 5, 1998, by Yellow Cab & Limo, Inc. (Yellow); on October 20, 1998, by Husker Cabs, Inc. (Husker); and on October 30, 1998, by I-80 Eppley Express, Inc. (I-80). However, with the filing of restrictive amendments to the original application on October 14, 1998, and November 30, 1998, Yellow withdrew its protest on October 20, 1998; I-80 withdrew its protest on November 24, 1998; and Husker withdrew its protest on January 7, 1999. Application No. B-1487 was then processed pursuant to Rule 018.03 of the rules of procedures 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. secs. 75-301 to 75-322 (Reissue 1996) and the requirements, rules and regulations of the Commission thereunder.

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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:

Passengers by passenger van between points within a 70-mile radius of Lincoln over irregular routes. RESTRICTIONS: (1) Restricted to transportation prearranged 12 hours in advance; (2) Restricted against transportation originating in Gage, Jefferson, Saline, Thayer, Johnson, Pawnee, and Richardson counties; (3) Point-to-point service within a 10-mile radius of Lincoln is not authorized; and (4) The transportation of railroad train crews and their baggage is not authorized.

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 No. B-1487 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in this order, a Certificate of Public Convenience and Necessity shall be issued to Joe Schlueter, dba Airport Express, Lincoln, Nebraska, in Application No. B-1487 authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Public Convenience and Necessity 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. secs. 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 the operations until a Certificate of Public Convenience and Necessity 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 of Public Convenience and Necessity authorized shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

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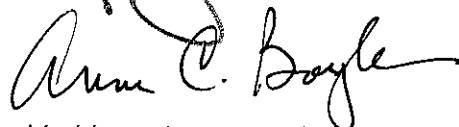
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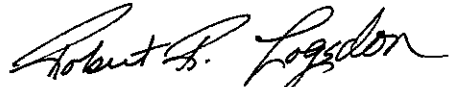
MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of February, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION



//s//Frank E. Landis


Vice Chairman

ATTEST: 
Executive Director

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