

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1489
 Berniklau Education Solutions, Inc.,)
 dba Berniklau Education Solutions Team,)
 Lincoln, Nebraska, seeking authority as)
 a contract carrier in Nebraska intra-)
 state commerce for FHC Options, Inc. in) GRANTED AS AMENDED
 the transportation of minors between)
 points in Lancaster County over irregu-)
 lar routes under continuing contracts)
 with FHC Options, Inc.) ENTERED: JANUARY 20, 1999

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed November 23, 1998, Berniklau Education Solutions, Inc., dba Berniklau Education Solutions Team, Lincoln, Nebraska, hereinafter referred to as applicant, seeks a permit to operate as a contract carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Minors between points in Lancaster County over irregular routes under continuing contract(s) with FHC Options, Inc.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on November 25, 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 December 3, 1998, by Shared Mobility Coach, Inc. However, with the filing of restrictive amendments to the original application on December 4 and 15, 1998, protestant withdrew its protest on December 31, 1998. Application B-1489 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. secs. 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.
2. A permit should be issued in Application B-1489 authorizing the following operations:

PERMIT AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Minors between points in Lancaster County over irregular routes under continuing contract(s) with FHC Options, Inc. RESTRICTIONS: (1) The transportation of railroad train crews, their baggage, and train list documents is not authorized; and (2) Transportation is restricted to vehicles owned, insured, and registered by Berniklau Education Solutions, Inc., S corporation.

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-1489 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 Berniklau Education Solutions, Inc., dba Berniklau Education Solutions Team, Lincoln, Nebraska, in Application B-1489 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. secs. 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 20th day of January, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Lowell C. Johnson
Ann C. Boyle

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

Frank E. Landis
Chairman

ATTEST: *Robert K. Fogden*
Executive Director