

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION No. B-1490
of Alton W. Bruns d/b/a B&B Limo)
Service, Nebraska City, seeking) DENIED
authority as a common carrier in)
Nebraska intrastate commerce in the)
transportation of passengers by) ENTERED: May 26, 1999
limousine service between points in)
Otoe, Johnson, Nemaha, and Cass)
counties and between points within)
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.)

BY THE COMMISSION:

By application filed December 21, 1998, Alton W. Bruns d/b/a B&B Limo Service ("B&B Limo" or "Applicant") seeks authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by limousine service originating in Otoe and other counties in Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 24, 1998. The application was amended by request of the Applicant in a letter to the Commission dated February 8, 1999, to include only transportation originating in Otoe County, Nebraska. Petitions of Formal Intervention were filed by Royal Coach Limousine Service, Yellow Cab & Limo, Inc., Arbor Limousine Service, and Al Ambassador Limousine Service. Yellow Cab & Limo, Inc. subsequently withdrew their Petition.

A hearing was held in the City Council Chambers of Nebraska City, Nebraska on April 29, 1999. Alton Bruns appeared on behalf of his application. Protestant David Guess d/b/a Arbor Limousine Service was represented by Richard Hoch, Attorney-at-Law, PO Box 488, Nebraska City, Nebraska.

Mr. Bruns testified that he is the owner of a 1982 Cadillac limousine which he initially purchased for his private personal use. After receiving several requests to rent the limo, he decided to pursue this application. There are two high schools in Nebraska City and the Applicant received 8-10 calls from students who wanted to rent the limousine during the prom season. The Applicant intends to put a \$1,000,000 blanket insurance policy on the limousine. The car would be serviced by a relative who does mechanical work on trucks and has a driver lined up.

Mr. Bruns further stated that he did not intend to expand his business beyond servicing requests from students during prom season although he would not turn down requests received during other times of the year. He does not intend to do any active advertising. His intention is to charge the prevailing rates charged by other limousine services so as not to undercut existing companies serving the area.

David Guess, owner and operator of Arbor Limousine Service, testified in opposition to the application. He has operated the company since October 1997. He operates a 1991 eight-passenger Lincoln Towncar and is currently restoring a 1962 Rolls Royce Bentley for use during weddings. Arbor Limousine is also negotiating a contract with the Lied Conference Center in Nebraska City. He has also been contacted by Bluffs Run, a casino in Council Bluffs, Iowa.

Mr. Guess further testified that he has transportation available for the requests that he receives with the exception of the prom season. There are other limo services from Lincoln that are licensed to operate in the Nebraska City area as well. He also indicated that the company expects to make a profit in about a year and a half although the company has not yet turned a profit. He further indicated that he intended to supply limousine service for the next two years and was financially capable of doing so. His opposition to the application stems from a concern that there is insufficient demand for another limousine service.

OPINIONS AND FINDINGS

From the evidence adduced, it can be concluded that the Applicant has made an insufficient showing that there exists demand enough in the Nebraska City area to support two limousine services. There are approximately 7000 persons in Nebraska City and 15,000 persons in the county. Protestant testified that he currently can handle the demand that exists for limousine service in the county and in Nebraska City. Other than during a one or two weekend period covering the city's prom season, the Protestant has very rarely been unable to service all of the requests received. In addition, there are some limousine services operating outside of the county that have authority to serve the Nebraska City area.

The Protestant has also stated that, while his company has not yet turned a profit, that he expects to do so within the next two years. The additional competition of an additional limousine

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service would realistically hurt his chances to succeed financially. Although the Applicant has stated that his intention is to only provide service during the prom season, our system of applications does not have a procedure to limit the authority to provide common carrier service to a particular time of the year.

The Applicant has failed to prove that there is a necessity for additional limousine service in Otoe County. From the evidence, there does not appear to be an unmet need for additional limousine service. Accordingly, we find that the Application should be denied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1490 be, and it is hereby, denied.

MADE AND ENTERED in Lincoln, Nebraska on this 26th day of May, 1999.

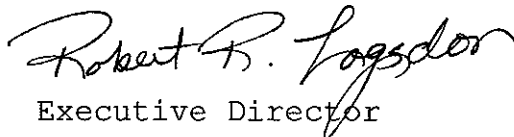
COMMISSIONERS CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director

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