

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) APPLICATION NO. B-1493  
M & M Cole, Inc., dba Elite Coaches, North )  
Platte, seeking authority as a common )  
carrier in Nebraska intrastate commerce )  
in the transportation of passengers in ) GRANTED AS AMENDED  
charter and special-party operations )  
between points in Nebraska over irregular )  
routes. RESTRICTION: The transportation )  
of railroad train crews and their baggage )  
is not authorized. ) ENTERED: MARCH 16, 1999

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on January 14, 1999, M & M Cole, Inc., dba Elite Coaches, North Platte, 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 in charter and special-party operations between points in Nebraska over irregular routes. RESTRICTION: 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 January 15, 1999, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on January 29, 1999, by Prince of the Road, through its attorney, John Boehm. However, with the filing of a restrictive amendment to the original application on February 23, 1999, protestant withdrew its protest on February 25, 1999. Application No. B-1493 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., Sections 75-301 to 75-322.04, (Reissue 1996), 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:

Passengers in charter and special-party operations between points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of passengers shall be restricted to buses with a seating capacity in excess of 25 for charter or special party operations.

3. The application for authority should be granted as amended.

## O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1493 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 M & M Cole, Inc., dba Elite Coaches, North Platte, Nebraska, in Application No. B-1493, 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., 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 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.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of March, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

*Lowell C. Johnson*  
Chairman

ATTEST:

*Robert G. Lyndon*  
Executive Director

*Frank E. Landis*  
*Anne C. Boych*

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