

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Appli-	)	Application No. B-1499
cation of Murvel LeRoy	)	
Fentress and Spencer M.	)	
Fentress, a partnership, dba	)	
Fairbury Taxi, Fairbury,	)	MOTION FOR REHEARING
Nebraska, seeking authority as)		DENIED
a common carrier in Nebraska	)	
intrastate commerce in the	)	
transportation of passengers	)	
between points in Jefferson	)	
County and points in Nebraska,)		Entered: July 27, 1999
all trips to originate or	)	
terminate in Jefferson County.)		
RESTRICTION: The transporta-	)	
tion of railroad train crews	)	
and their baggage is not	)	
authorized.	)	

BY THE COMMISSION:

On May 14, 1999, Murvel LeRoy Fentress and Spencer M. Fentress, a partnership d/b/a Fairbury Taxi, Fairbury, Nebraska ("Applicant" or "Fairbury Taxi") filed an application with the Commission for authority as a common carrier in Nebraska intrastate commerce between points in Jefferson County and points in Nebraska, all trips to originate and terminate in Jefferson County. On July 8, 1999, this Commission granted the application of Fairbury Taxi as modified, to wit:

"Transportation of passengers by taxi in and within a five-mile radius of Fairbury over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized."

Notice of the authority granted by the Commission was sent to the Applicant on July 9, 1999.

On July 13, Applicant filed a letter which the Applicant intended to serve as notice of appeal. The grounds for appeal cited by the Applicant was that "the restricted area will not allow us to take the general public to any point in Nebraska. We would agree to a 5 mile radius on Social Services clients,

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however the way its granted, the public of Fairbury will not be properly taken care of." (sic)

Pursuant to the Rules of Commission Procedure, Title 291, Chapter 1, Rules 021.01 and 021.02, this notice is handled as an indirect appeal and, consequently, as a motion for rehearing. Such notice as required by Rule 021.02 was timely filed by the Applicant. No oral argument was requested by the Applicant as such request is required by Rule 021.02A.



Based upon a review of the original application and upon the evidence adduced in the original pleadings and subsequent hearing, the Commission finds that the Applicant has failed to state a basis for appeal and upholds the authority as originally granted by the Commission. This notice, handled as a motion for rehearing, is denied. The mere statement of the Applicant that the public of Fairbury is ill-served by the original grant of authority is insufficient, in and of itself, to serve as a basis for rehearing.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motion for rehearing on the scope of the authority granted in Application B-1499, should be, and is hereby, denied.

MADE AND ENTERED in Lincoln, Nebraska on this 27th day of July, 1999.

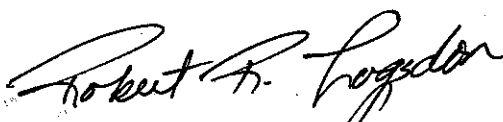
COMMISSIONERS CONCURRING:

  
  
 //s//Lowell C. Johnson  
 //s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

  
 Chairman

ATTEST:

  
 Executive Director