

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1499
Murvel LeRoy Fentress and Spencer)
M. Fentress, a partnership, dba)
Fairbury Taxi, Fairbury, seeking)
authority as a common carrier in)
Nebraska intrastate commerce in the) GRANTED AS MODIFIED
transportation of passengers between)
points in Jefferson County and points)
in Nebraska, all trips to originate)
or terminate in Jefferson County.)
RESTRICTION: The transportation of)
railroad train crews and their)
baggage is not authorized.) ENTERED: JULY 8, 1999

BY THE COMMISSION:

By application filed May 14, 1999, Murvel LeRoy Fentress and Spencer M. Fentress, a partnership, dba Fairbury Taxi, Fairbury, Nebraska, ("Applicant" or "Fairbury Taxi") seeks 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 March 17, 1999, Yellow Cab and Limo, Inc., ("Protestant" or "Yellow Cab") filed a protest with the Commission. A hearing was held May 19, 1999, in the District Courtroom in the Jefferson County Courthouse in Fairbury, Nebraska. Appearing for the Applicant was Hal Hasselbalch, 7900 Portsche Lane, Lincoln, Nebraska. Appearing for the Protestant was Jack Shultz, 121 S. 13th Street, Lincoln, Nebraska.

The applicant produced seven witnesses in support of its application.

Several of the witnesses testified as to the ability of the applicant to provide the proposed service. These witnesses testified that each of the individuals involved in the partnership are trustworthy and are fit and able to operate the proposed business. Murvel Fentress previously offered taxi service in Fairbury from 1958-1961.

Several other witnesses offered testimony related to the need for taxi service in the Fairbury area. The witnesses testified that situations occasionally arise requiring prompt transportation and in these situations, it would be much more convenient if a local taxi service were available. The witnesses stated that frequently they are unable or unwilling to wait the amount of time needed for a taxi to arrive from Beatrice, the nearest source of taxi services. In addition, a local taxi service would provide them with more reliable alternatives in their choice of transportation.

APPLICATION NO. B-1499

PAGE TWO

Joe Casson, City Attorney for the city of Fairbury, testified that during a review of the potential for economic development in Fairbury, it was found that one significantly lacking aspect of the community was in the area of transportation. He further testified that having a local taxi service would be a significant asset in the community's future economic development efforts.

Bob Harrison, investigator for the Commission, testified that upon inspection of the Applicant's vehicles, he found them to be in a condition sufficient to offer the proposed services.

Several witnesses addressed the applicant's financial capabilities. It was noted that Spencer Fentress's assets include several piece of rental property in the community which Mr. Fentress has worked diligently to improve. Additionally, Spencer Fentress is employed in the construction industry. Testimony was offered by the applicants suggesting that they will be able to satisfy the expected financial obligations of the business.

Appearing and testifying in opposition to the application was Ronald D. Hippen, who operates Yellow Cab & Limo, Inc., a taxi service authorized to operate in several counties in Nebraska, including Gage County and Jefferson County. He testified that another taxi service would result in a large decrease in business and thus would cause substantial harm to his business.

OPINION AND FINDINGS

From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing and able to properly perform the service proposed in the Application and to conform to the provisions of Neb. Rev. Stat., Section 75-301 to 75-322 (Reissue 1996), and the requirements, rules, and regulations of the Commission thereunder.
2. The proposed intrastate service as modified in the order herein is, or will be, required by the present or future Public Convenience and Necessity to the following extent, and subject to the following restrictions:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

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.

APPLICATION NO. B-1499

PAGE THREE

3. The application should be granted as modified.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1499 be, and it is hereby, granted as modified; and that upon compliance with the terms and conditions as set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to Murvel LeRoy Fentress and Spencer M. Fentress, a partnership, dba Fairbury Taxi of Fairbury, Nebraska, authorizing the operations as set forth in the foregoing findings.

IT IS FURTHER ORDERED that the Applicant shall not be issued the Certificate of Public Convenience and Necessity authorized by the Commission unless, and until, the 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), 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 the Applicant, be of no further force and effect.

IT IS FURTHER ORDERED that Applicant shall not conduct 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, limitations and restrictions which have been, or may hereafter be, prescribed by the Commission.

MADE AND ENTERED in Lincoln, Nebraska, this 8th day of July, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Anne C. Boyle

//s//Lowell C. Johnson
//s//Frank E. Landis

Lowell C. Johnson
Chairman

ATTEST:

Robert R. Logsdon
Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
