

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Applica- )	APPLICATION No. B-1500
tion of Raymond D. Kurtzuba )	SUPPLEMENT No. 1
dba Total Transportation )	
Services, Omaha, Nebraska, )	
seeking to extend the )	MOTION FOR REHEARING
authority as a common carrier )	GRANTED
in Nebraska intrastate )	
commerce in the transportation )	
of passengers between points )	
in Douglas, Sarpy, Washington )	
and Lancaster Counties over )	ENTERED: FEBRUARY 15, 2000
irregular routes. )	

BY THE COMMISSION:

On July 30, 1999, Raymond D. Kurtzuba, dba Total Transportation Services, ("Applicant") Omaha, Nebraska, filed an application with this Commission seeking to extend his authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers between points in Douglas, Sarpy, Washington, and Lancaster Counties over irregular routes. Protests to the Application were filed by several parties, all of whom withdrew their protest except Accent Limousine and Old Market Limousine, through their attorney, Marshall Becker. A hearing was held September 30, 1999, in the Commission Library, Lincoln, Nebraska. On November 4, 1999, this Commission entered an order granting the application. On November 15, 1999, Protestants Old Market Limousine and Accent Limousine Services timely filed a Motion for Rehearing or Reconsideration.

FINDINGS AND OPINION

Protestant argues that the Commission failed to require a showing of fitness by the Applicant prior to the granting of the application in this docket. Inasmuch as the applicant was a current certificate holder, we presumed that the Applicant had made a prior showing of fitness to this Commission. Such a presumption, we agree, is not supported by state law. We note for the record that the Protestant did not raise the issue of fitness in the initial hearing of the Application instead concentrating its case the issue of public convenience and necessity. Nonetheless, it is incumbent upon the Applicant to make such a showing before being granted a certificate.

Therefore, we find that the motion for rehearing should be granted and a hearing be set at a time to be determined after consultation with the parties involved.

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ORDER

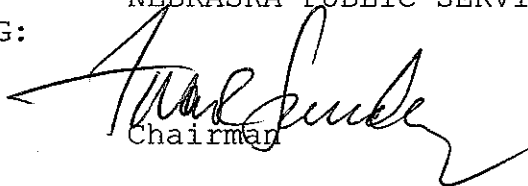
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Rehearing in Application B-1500, Supplement No. 1, be, and it is hereby, granted.

IT IS FURTHER ORDERED that the Rehearing be scheduled at a time to be determined after consultation with the involved parties.

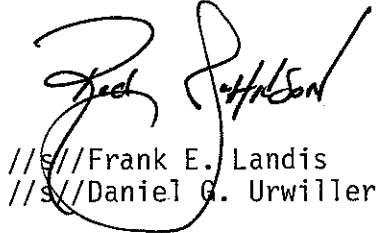
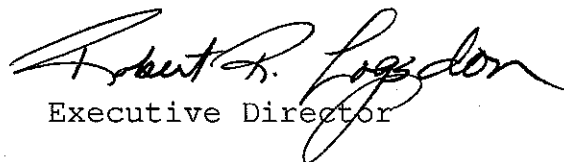
MADE AND ENTERED in Lincoln, Nebraska on this 15th day of February, 2000.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

ATTEST:

  
//s//Frank E. Landis  
//s//Daniel G. Urwiller  
Executive Director