

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Applica-) Application No. B-1501
tion of Black Tie Limousine,)
Inc., Hinton, Iowa, seeking)
authority as a common carrier)
in Nebraska intrastate)
commerce in the transportation)
of passengers by luxury)
limousine between points in)
Dakota, Thurston, Burt, Wayne)
Cedar, Cuming and Dixon)
counties over irregular)
routes.)
RESTRICTION: The transporta-)
tion of railroad train crews)
and their baggage is not)
authorized.)

APPLICATION DENIED

Entered: July 27, 1999

BY THE COMMISSION:

By application filed April 9, 1999, Black Tie Limousine, Inc., Hinton, Iowa, ("Applicant") seeks authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by luxury limousine between points in Dakota, Thurston, Burt, Wayne, Cedar, Cuming, and Dixon Counties over irregular routes. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 13, 1999, pursuant to Commission rules and regulations.

On May 12, 1999, Private Limo of Sioux City, Nebraska, ("Protestant") filed a protest to the application. A hearing was held June 23, 1999 in City Council Chambers in South Sioux City, Nebraska.

Calvin Grobe, owner of Black Tie Limousine, testified for the application. Black Tie Limousine currently operates as an interstate carrier. Mr. Grobe testified that he receives calls for limousine service from Emerson, Wayne, and Ponca, Nebraska. While he could provide transportation to points from those towns to Iowa, without a certificate from the Commission, he is unable to provide transportation for these persons to points within Nebraska. The applicant further testified that he currently receives three or four calls a month for service wholly within the state of Nebraska. He had no indication that any of the persons

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requesting service from his company were unable to obtain the desired service from other providers in the area.

Black Tie Limousine owns three limousines and one luxury sedan. He employs eight part-time drivers. His insurance company requires checks on all drivers which he employs.

Hank Bosteder, owner of Private Limo, Sioux City, Nebraska, testified for the Protestant. He testified that his company has been providing limousine service in the area for a couple of years. He further testified that his customers have seemed satisfied with the level of service he provides. Upon questioning by the Commission, Mr. Bosteder indicated that he has never been in the position where he could not provide requested service. During busy times, such as prom time, he has made arrangements to meet the extra demand. Private Limo has three limousines, five Park Avenue automobiles and an additional car with another company. He is also in the process of buying out another limousine operator. That would add five more cars to his fleet.

F I N D I N G S A N D O P I N I O N

Protestant has stated that he is willing to meet the transportation needs of those requesting limousine service and that with minimal notice, he has been able to meet the demands for luxury transportation in the area. Applicant has not demonstrated to the Commission that there is an unmet need or that the demand for luxury transportation exceeds the capabilities and willingness of certificated operators to meet that demand. In short, the Applicant has not shown that he meets the "need and necessity" requirement for certification as provided by Nebraska statutes. On the other hand, the Protestant has provided unrefuted testimony that he has not turned down any requests for service on the basis that he was unable to provide the requested service.

Because the Applicant has not met the "need and necessity" conditions for certification by this Commission, we need not reach any decision regarding the Applicant's fitness. The Commission, therefore, finds that the application should be denied.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1501 be, and it is hereby, denied.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Anne C. Boyle

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

Lowell C. Johnson
Chairman

ATTEST:

Robert R. Logsdon
Executive Director

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