

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|  |                          |
|--|--------------------------|
| In the Matter of the Application of    | ) APPLICATION NO. B-1504 |
| BJ Tours, Inc., Atkinson, Nebraska,    | )                        |
| seeking to acquire, through transfer,  | )                        |
| a portion of the authority granted to  | )                        |
| K & S Expressway, Inc., in Certificate | )                        |
| B-1315 which reads as follows: COMMON: | ) GRANTED AND A PORTION  |
| Passengers and their baggage in 10-    | ) OF CERTIFICATE B-1315  |
| passenger vans or minibus vehicles in  | ) REVOKED                |
| charter and special party operations   | )                        |
| between points in Nebraska, except     | )                        |
| Richardson County, over irregular      | )                        |
| routes. RESTRICTION: The               | ) ENTERED: JULY 8, 1999  |
| transportation of railroad train crews | )                        |
| and their baggage is not authorized.   | )                        |

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed April 29, 1999, BJ Tours, Inc., Atkinson, Nebraska, hereinafter referred to as applicant, seeks to acquire, through transfer, a portion of the authority granted to K & S Expressway, Inc., in Certificate B-1315.

AUTHORITY SOUGHT

Passengers and their baggage in 10-passenger vans or minibus vehicles in charter and special party operations between points in Nebraska, except Richardson County, over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on May 4, 1999, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on May 24, 1999, by Prince of the Road, through its attorney, John Boehm. The protest was subsequently withdrawn on June 25, 1999, by protestant. Application B-1504 was then processed pursuant to Rule 018.03 of the rules of procedure 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, (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:

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CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Passengers and their baggage in 10-passenger vans or minibus vehicles in charter and special party operations between points in Nebraska, except Richardson County, over irregular routes.

RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

3. The application should be granted.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application B-1504 be, and it is hereby, granted; 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 BJ Tours, Inc., Atkinson, Nebraska, in Application B-1504, 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 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 8th day of July, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

*Lowell C. Johnson*  
*Anne C. Boyle*

*Frank E. Landis*  
Chairman

ATTEST:

*Robert H. Logsdon*  
Executive Director

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