

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of BJ) APPLICATION NO. B-1504
Tours, Inc., Atkinson, seeking to extend) SUPPLEMENT 1
the authority as a common carrier in)
Nebraska intrastate commerce in the) GRANTED AS AMENDED
transportation of passengers by luxury)
limousine, and bus in charter and special)
party operations between points in Nebraska) ENTERED: OCTOBER 5, 1999
over irregular routes. RESTRICTION:)
The transportation of railroad train)
crews and their baggage is not authorized.)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on August 11, 1999, BJ Tours, Inc., Atkinson, Nebraska, hereinafter referred to as applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Passengers by luxury limousine, and bus in charter and special party operations between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on August 12, 1999, pursuant to the rules of the Commission.

Protests to the granting of this application were filed on August 17, 1999, by Yellow Cab & Limo, Inc., and on August 27, 1999, by Accent Limousine and Old Market Limousine, through their attorney, Marshall Becker. However, with a filing of restrictive amendments to the original application on September 7, 1999, protestants withdrew their protests on September 8, 1999, and on September 13, 1999. Application No. B-1504, Supplement 1, was then processed pursuant to Rule 018.03 of the rules of procedures 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 by luxury limousine between points in Nebraska over irregular routes except for the counties of Jefferson, Gage, Saline, Thayer, Johnson, Pawnee, Richardson, York, Fillmore, Seward, Lancaster and Douglas Counties. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

3. The application should be granted as amended.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1504, Supplement 1, be, and it is hereby, granted as amended; 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 No. B-1504, Supplement 1, 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 the 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 5th day of October, 1999.

COMMISSIONERS CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION

ATTEST:

Executive Director