

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Appli-)	APPLICATION NO. B-1507
cation of Hastings Taxi and)	SUPP. 1
Transportation Services,)	
L.L.C., Hastings, seeking to)	GRANTED
use the name "City Cab &)	
Transit Co." for its oper-)	ENTERED: JULY 18, 2000
ations in Grand Island,)	
Nebraska.)	

BY THE COMMISSION:

On June 14, 2000, the Commission granted the application of Hastings Taxi and Transportation Services, L.L.C., to operate taxi cabs within Grand Island and surrounding territory subject to the conditions and restrictions outlines in our Certificate of Public Convenience and Necessity issued under that grant of authority.

On July 7, 2000, the Commission received a letter from Hastings Taxi and Transportation Services, L.L.C., ("Hastings Taxi") asking for the Commission's permission to use the name "City Cab & Transit Co." for the operations in Grand Island. In his letter, Chuck Gowin, owner of Hastings Taxi and Transportation Services, L.L.C., explained that the name was already in place and established and that the operations that he assumed through the grant of authority on June 14 had a long history within the community. He further acknowledged that the company holding the certificate would be Hastings Taxi & Transportation Services, L.L.C., and Leo & Deta Lindahl dba City Cab & Transit Company. Both companies will be operating under Certificate No. B-1507 and its supplement with different rates for each operation.

FINDINGS AND OPINION

Normally, the Commission, in processing a change in name or the addition of a "doing business as" name, would require a separate application, a filing fee, and a thirty day waiting period following publication and notice. Such a process insures that the name being sought is in the public domain, has not been reserved by another competing entity, or is in any other way prohibited.

We find in the instant case that our general practice of requiring a separate application, a filing fee, and publication should be waived. We further find that the granting of the waiver in this case merely facilitates the orderly transaction of agency business and imposes no injury on any third party. It should be noted that a waiver granted in consideration of these circumstances has been upheld as a justified waiver of commission rules of procedure by this state's highest court. See In re Application of Jantzen, 245 Neb. 81, 511 N.W.2d 504 (1994).

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We acknowledge several factors that we considered in granting a waiver of our normal procedure. First, the relatively short time between the granting of the authority, the application for the recognition of the dba name, and the granting of the request by the applicant. Second, the applicant's request to use City Cab & Transit Co., is justified since that was the name of the operations assumed by the applicant under the June 14 grant of authority. Although the request to use the City Cab nomenclature should have been contained in the applicant's original request, its omission amounted to mere error. Third, any injury that could come to a third party is negligible. Finally, the waiver allows for administrative efficiency for the Commission and provides a specified convenience for the public in that they will not be subjected to three name changes, including a return to the original, in a short three month time span.

For these reasons, the Commission finds that the a waiver of the normal procedures for the adoption of a dba name should be waived and the request of the applicant to use the name "City Cab & Transit Co." should be granted.

O R D E R


IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application by Hastings Taxi & Transportation Services, L.L.C., to use the name "City Cab & Transit Co." for its operations in Grand Island under Certificate No. B-1507, Supplement 1, should be, and is hereby, granted.

MADE AND ENTERED in Lincoln, Nebraska on this 18th day of July, 2000.


COMMISSIONERS CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Deputy Director