

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Appli-)
cation of All Nations Church)
of The Lord Jesus Christ)
d/b/a All Nations Specialized)
Transport & Travel Service)
seeking authority as a common)
carrier in Nebraska intrastate)
commerce in the transportation)
of passengers in special party)
and charter operations by bus)
and passenger van between)
points in Nebraska over)
irregular routes.)
RESTRICTION: The transporta-)
tion of railroad train crews)
and their baggage is not)
authorized.)

APPLICATION NO. B-1514

GRANTED AS MODIFIED

ENTERED: MAY 31, 2000

BY THE COMMISSION:

By application filed November 2, 1999, All Nations Church of the Lord Jesus Christ d/b/a All Nations Specialized Transport & Travel Service, Lincoln, Nebraska ("Applicant" or "All Nations") seeks authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in special party and charter operations by bus and passenger van between points in Nebraska over irregular routes. On November 12, 1999, a protest was filed by Prince of the Road ("Protestant") through its attorney John Boehm, and on November 23, 1999, a protest was filed by Yellow Cab & Limousine. Yellow Cab & Limousine withdrew their protest after the Applicant filed a restrictive amendment.

A hearing was held in the Commission Hearing Room, Lincoln, Nebraska, on February 15, 2000. Appearing for the Applicant was Ken Winston; for the Protestant, John Boehm, and for the Commission, Michael Loeffler. On April 5, 2000, the Commission entered an order denying the applicant's request for authority. On April 17, 2000, the applicant submitted a Motion for Rehearing on the basis of new and additional evidence. The Motion was granted and oral arguments were heard by the Commission on April 25, 2000, in the Commission Hearing Room, Lincoln, Nebraska. Appearing for the Applicant was Ken Winston; for the Protestant, John Boehm, and for the Commission, Michael Loeffler.

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

From the outset of the April 25, 2000 oral argument, the

Commission requested the applicant to submit its bus to a second inspection by the Carrier Enforcement Division of the Nebraska State Highway Patrol (Carrier Enforcement) and continue the oral argument if necessary, until results from a second inspection were returned. The applicant agreed to this request and tendered his bus for re-inspection by Carrier Enforcement on May 5, 2000. The Commission received this inspection report on May 8, 2000. The report showed that the applicant had corrected the previous violations and that one remaining violation pertaining to the exhaust system was discovered. On May 26, 2000, the Commission received evidence that applicant had repaired this remaining defect.

In our April 5, 2000 order, we found that the applicant had failed to demonstrate fitness in accordance with Neb. Rev. Stat. 75-311. Because of this, the Commission declined to rule on the need and necessity requirement. After reviewing the evidence from the February 15, 2000 hearing and determining that the applicant has now satisfied the fitness requirement, the Commission now addresses the issue of need and necessity for the proposed bus service. In the February 15, 2000 hearing, the applicant presented a number of witnesses who testified that there is a need for charter bus service for local congregations and minority organizations in the area. These witnesses testified that they would use the applicant's bus service for both intrastate and interstate travel if authority was granted. The Protestants in this matter did not oppose the applicant's request for bus service.

Accordingly, the Commission finds that the applicant has satisfied the fitness and need and necessity requirements as they relate to bus transportation services. However, due to the concerns of the Commission regarding the age of the bus operated by All Nations, the Commission requires that the vehicle be inspected by a Department of Transportation certified mechanic with the results provided to the Commission every six months, along with proof of the mechanic's certification. Furthermore, the Commission reiterates its findings from the previous order that the applicant has not met its burden of showing need and necessity as it relates to van transportation service.

Therefore, from the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing, and able to properly perform the service of a common carrier by motor vehicle 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.

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2. The proposed intrastate service is or will be required by the present or future Public Convenience and Necessity to the following extent:

AUTHORITY SOUGHT

Transportation of passengers in special party and charter operations by bus and passenger van between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

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

3. The application should be granted as modified.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1514 be, and it is hereby, granted upon the conditions set forth herein and that a certificate shall be issued to All Nations Church of the Lord Jesus Christ d/b/a Specialized Transport & Travel Service, Lincoln, Nebraska, authorizing the services of a common carrier by motor vehicle as set forth above.

IT IS FURTHER ORDERED that applicant shall submit to this Commission, inspection reports from a Department of Transportation certified mechanic and proof of the mechanic's certification every six months until such time that the Commission deems necessary.

IT IS FURTHER ORDERED that applicant shall not be issued the certificate 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.

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IT IS FURTHER ORDERED that oral argument addressing the denial of applicant's request for authority as it relates to bus transportation is no longer necessary and therefore should be, and is hereby, canceled.

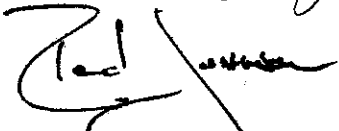
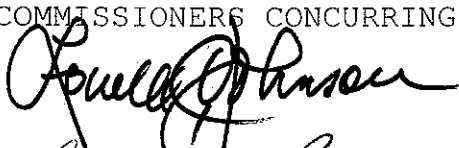
IT IS FURTHER ORDERED that applicant shall not conduct operations until a Certificate is issued.

IT IS FURTHER ORDERED that the Certificate 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 31st day of May, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

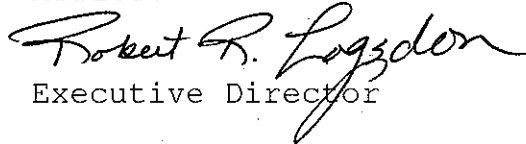


//s//Frank E. Landis

//s//Daniel G. Urwiller


Chairman

ATTEST:


Executive Director