

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. B-1517
Application of Comstock)	
Corporation, d/b/a Action Cab,)	
Grand Island, seeking to)	ORDER GRANTING TRANSFER,
acquire, through transfer, the)	CANCELLING CERTIFICATE NO.
authority granted to R & A)	B-1645, AND CONSOLIDATING
Transport, LLC, York, in)	CERTIFICATE LANGUAGE
Certificate B-1645 and to)	
clarify and amend all)	
supplements to consolidate into)	
proposed certificate.)	Entered: February 20, 2019

BY THE COMMISSION:

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

By application filed December 10, 2018, Comstock Corporation, d/b/a Action Cab ("Action Cab" or "Applicant"), Grand Island, seeks approval of the acquisition of the operating rights and authority granted to R&A Transport, LLC ("R&A"), York, in Certificate B-1645, which authorizes:

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers between the facilities of Epworth Village in Grand Island and York, Nebraska, on the one hand, and on the other hand, points in Nebraska under continuing contracts with Epworth Village, Inc., the Nebraska Department of Health and Human Services, and its subcontractors. RESTRICTION: Service is restricted to traffic originating at or destined to the facilities of Epworth Village, Inc.

SUPPLEMENT 1: Transportation of passengers and their baggage by sedan and van between all points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. Further restricted against transportation originating in Cass, Dodge, Douglas, Sarpy, Saunders, and Washington Counties except that authority already allowed to the applicant for passengers and their baggage originating at or destined to Epworth Village, Inc. Further Restricted against transportation originating and terminating in the same trip in Lancaster, Gage, Johnson, Pawnee, and Richardson county, except that authority already allowed to the applicant for passengers and their baggage originating at or destined to Epworth Village, Inc. Further restricted against transportation

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originating in Jefferson, Saline, and Thayer counties except that authority already allowed to the applicant for passengers and their baggage originating at or destined to Epworth Village, Inc.

This authority existed prior to the explicit requirement for HHS designation to be noted on a certificate or permit of authority. The Commission notes that R&A Transport provided transportation for HHS clientele.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 13, 2018, pursuant to the rules and regulations of this Commission. On December 18, 2018, the Commission granted Applicant temporary authority to operate under R&A's Certificate of Authority for ninety (90) days. No protests were filed; therefore, the application was processed pursuant to Rule 018.03 of Commission Rules of Procedure.

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 to properly perform the proposed extended service.
2. The proposed transfer of operating rights will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application No. B-1645 is not dormant.
4. A certificate should be issued in Application No. B-1517 authorizing the operations listed above.

Additionally, Applicant requested that the Commission clarify and amend the Certificate of Authority by consolidating all supplements of Certificate Nos. B-1517 and B-1645 so that the authority resulting from the approved transfer will be clear and unambiguous. Upon review of the two existing Certificates, the Commission finds that the request is reasonable and should be granted. Applicant provided the Commission with proposed language, which is in line with the language in the two existing authorities. The proposed language does not add any geographical territory or operating rights that were not already in place for either carrier.

Based on the above, the Commission finds that a certificate should be issued in Application No. B-1517 authorizing the

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following operations:

Service and Territory Authorized:

COMMON: (1) Taxicab service within Grand Island and the surrounding territory. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. (2) Taxicab service between points in Adams County, on the one hand, and, on the other hand, points in Adams, Buffalo, Clay, Franklin, Hall, Hamilton, Kearney, Nuckolls, and Webster counties. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

CONTRACT: (1) Open class service to the facilities of Epworth Village in Grand Island or York, on the one hand, and, on the other hand, points in Nebraska, under contracts with Epworth Village, Inc., the Nebraska Department of Health and Human Services, and subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

COMMON: (1) Open class service statewide using sedans. RESTRICTION: Carrier shall not originate trips in Cass, Dodge, Douglas, Jefferson, Saline, Sarpy, Saunders, Thayer, or Washington counties, except transportation of passengers to the facilities of Epworth Village in Grand Island or York. Carrier shall not provide service originating and terminating in Gage, Johnson, Lancaster, Pawnee, and Richardson counties. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

(2) Open class service using vans between points in Grand Island, Hastings, and Columbus, on the one hand, and, on the other hand, points in Nebraska. RESTRICTION: Carrier shall not provide transportation to or from the Lincoln Municipal Airport. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes. (3) Open class service using four-wheel-drive vehicles within Grand Island and vicinity. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

COMMON: (1) Limousine service using luxury automobiles between points within Grand Island and a 25-mile radius of Grand Island. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No. (2) Limousine service using luxury automobiles between Grand Island, Hastings, and Columbus, on the one hand, and, on the other hand, points in Nebraska. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

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The Commission also finds that Certificate No. B-1645 held by R&A Transport, LLC, York, should be simultaneously cancelled.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1517 be, and 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 Comstock Corporation d/b/a Action Cab, in Application No. B-1517, authorizing the operations set forth in the foregoing findings; and that to avoid a lapse of authority, the Certificate of Public Convenience and Necessity issued in Application No. B-1645 shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1517.

IT IS FURTHER ORDERED that Applicant's request to clarify and amend all supplements in Certificate Nos. B-1517 and B-1645 for the new Certificate of Public Convenience and Necessity be, and is hereby, granted as provided herein.

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), 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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 20th day of February, 2019.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Mary Reddel
Chair

ATTEST:

Michael S. H. S.
Executive Director

Joe J. J. J.
David J. J. J.
Tim J. J. J.