

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Applica-)	Application No. B-1535
tion of Guard-Rite Security)	
Services, LLC, Norfolk,)	
Nebraska, seeking authority)	
as a common carrier in)	APPLICATION GRANTED
Nebraska intrastate commerce)	
in the transportation of)	Entered: October 3, 2000
prisoners by sedan or)	
passenger vans between points)	
in Nebraska over irregular)	
routes.)	

BY THE COMMISSION:

By application filed July 10, 2000, Guard-Rite Services ("applicant" or "Guard Rite") seeks authority as a common carrier in intrastate commerce in the transportation of prisoners by sedan or passenger vans between points in Nebraska over irregular routes. A notice of the application was published in The Daily Record on July 11, 2000. A protest to the Application was filed on July 19, 2000, by Prince of the Road through its attorney, John Boehm.

A hearing was held September 27, 2000, in the Commission Library, Lincoln, Nebraska with a video-conference link to Norfolk, Nebraska. A notice of the hearing was sent from the executive director of this Commission by first class mail to all interested parties on August 23, 2000. The Applicant was represented by Craig Howell. The Protestant gave verbal notice of his intent to withdraw the protest one hour prior to the hearing. A written notification of the withdrawal was received after the hearing.

Four witnesses testified in support of the application, including three members from the law enforcement field. Sheriff Michael f. Unger, Stanton County Sheriff, testified that he has used Guard-Rite services for security in the hospital setting. He expressed complete satisfaction with the services provided by the Applicant. He stated that services that would be offered by the Applicant were needed because Stanton County has no jail. He further testified that he was not aware of other local services available to provide the offered services. He further testified that he had received other inquiries .

Terry Howell, chief correction officer at Madison County, testified in support of the application. He stated that he had contracted with Guard-Rite for security services to perform prisoner watch at the local hospitals when required. He has used the security services of the Applicant for the last five years. He

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testified that he believed there was a need in other counties for prisoner transportation services.

William Mizner, Chief of Police for the city of Norfolk, testified that he also has used the security services of the Applicant and that his relationship with the company has been highly satisfactory. He further testified that there is a need and a benefit to maximizing all available transportation services in order to cut unnecessary costs spent by police departments in the transportation of prisoners. Adequate prisoner transportation services would prevent small communities from taking an officer out of service to transport prisoners. He also testified that he was not aware of any other local prisoner transportation services.

Douglas Risinger, owner of Guard-Rite, testified in support of the application. He testified that his experience in providing security services extended over eighteen years. He has a degree in criminal justice and started the company in 1983. Currently, the company has over one hundred employees. He testified that he has the personnel resources to adequately provide the services described in the application. His company employs armed guard as well as support personnel. He also indicated that his company has over thirty clients in the city of Omaha.

Mr. Risinger also testified as to the financial capabilities of his company. Guard-Rite has over \$138,000 in assets and over \$1.2 million in gross revenue. He also provided information as to the insurance coverage he has obtained including a \$5 million general liability policy.

Guard-Rite owns seven vehicles, three of which will be used for the transportation services described in the application. The vehicles are former patrol cars and have all of the required safety and security features necessary for the transportation of prisoners. He also testified as to the training that his employees will receive and the fact that such training is certified. He also testified that he has been approached by several potential clients who are interested in the service he will provide. He also explained the need for statewide authority was necessary because of the need to transport prisoners was often statewide.

FINDINGS AND OPINION

From the evidence adduced and the record before use, we find that the application should be granted. The applicant has presented a prima facie case that his company is fit, willing, and able to provide the offered services. There was a demonstration of a need for the type of services that will be offered by the

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applicant.

For a grant of authority, the Applicant must prove that they are fit, able, and willing to provide the proposed service and that the proposed service "is or will be required by the present or future public convenience and necessity." Neb. Rev. Stat. §75-311 (Reissue 1996). The Applicant in the instant case presented such evidence.

Because the Applicant has met both the fitness requirements and the "need and necessity" conditions for certification by this Commission, the Commission, therefore, finds that the application should be granted.

CERTIFICATE AUTHORIZED

SERVICE AUTHORIZED: The authority granted is the authority to operate as a common carrier in intrastate commerce in the transportation of prisoners by sedan or passenger vans between points in Nebraska over irregular routes.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1535 be, and it is hereby, granted.

IT IS FURTHER ORDERED that the 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. §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.

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.

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MADE AND ENTERED in Lincoln, Nebraska on this 3rd day of
October, 2000.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION

Lucille Johnson

Frank E. Landis
Chairman

Anne C. Boyle

ATTEST:

Daniel G. Urwiller

Ad S. Pollack

Executive Director

//s//Frank E. Landis

//s//Daniel G. Urwiller