

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of J.) APPLICATION NO. B-1540
Delmar Mateo dba Delmar Transportation Co.,)
Grand Island, seeking authority as a common)
carrier in Nebraska intrastate commerce in) GRANTED AS AMENDED
the transportation of passengers and their)
baggage in special party and charter)
operations by bus between points in Adams,) ENTERED: JANUARY 9, 2001
Buffalo, and Hall Counties 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 25, 2000, J. Delmar Mateo dba Delmar Transportation Co., Grand Island, 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

Transportation of passengers and their baggage in special party and charter operations by bus between points in Adams, Buffalo, and Hall Counties 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 September 25, 2000, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on October 25, 2000, by Comstock Corporation dba Action Cab through its attorney, Brad Kistler. However, with a filing of a restrictive amendment to the original application on December 15, 2000, protestant withdrew its protest on December 18, 1995. Application No. B-1540 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:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers and their baggage in special party and charter operations by bus between points in Adams, Buffalo, and Hall Counties over irregular routes. RESTRICTIONS: (1) The transportation of railroad train crews and their baggage is not authorized. (2) The transportation services in Hall County, Nebraska, shall only use vehicles which have a minimum passenger capacity of 17 passengers.

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-1540 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 J. Delmar Mateo dba Delmar Transportation Co., Grand Island, Nebraska, in Application No. B-1540 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.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

APPLICATION NO. B-1540

PAGE THREE

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 9th day of January, 2001.

COMMISSIONERS CONCURRING:

Frank E. Landis
Anne C. Boyle

Daniel G. Urwiller

//s//Frank E. Landis
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Frank E. Landis
Chairman

ATTEST:

Ed S. Pollack
Executive Director

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