

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1544
of Jude U. Uchendu dba Diamond)
Link Services, Omaha, seeking)
authority as a common carrier)
in Nebraska intrastate commerce) MOTION TO COMPEL GRANTED
in the transportation of passengers)
by sedan, van, and wheelchair-)
accessible vans between points in)
Douglas and Sarpy Counties.)
RESTRICTION: The transportation)
of railroad train crews and their)
baggage is not authorized.) ENTERED: February 6, 2001

By the Commission:

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

By motion filed January 19, 2001, the Protestants Checker Cab Company, Yellow Cab, Happy Cab d/b/a Happy Cab Co. and Don Mark, d/b/a Cornhusker Cab Co., through their undersigned counsel, seek an order compelling the applicant to respond to the Protestant's First Set of Interrogatories. According to the motion, the Protestant's First Set of Interrogatories were served upon the Applicant on or about November 16, 2000, and the applicant has failed to respond to the discovery request.

Upon consideration of this motion and the arguments contained therein, the Commission finds that it should grant the Protestant's Motion to Compel in part. The applicant shall have until February 23, 2001 to serve its answers or objections upon the Protestants.

The Protestants' motion also requests that the Commission award attorney fees to the Protestants. Typically, we do not award attorney's fees to a prevailing movant and we see no justification for doing so in this case. Accordingly, we deny the Protestants' request pertaining to fees.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Protestants' Motion to Compel be, and it is hereby granted in part as described above.

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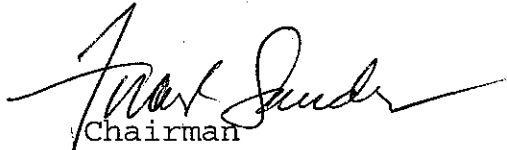
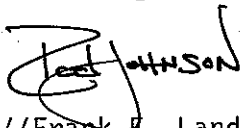
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IT IS FURTHER ORDERED that the applicant shall serve the Protestants with the answers to or any objections to the Protestant's First Set of Interrogatories on or before February 23, 2001.

MADE AND ENTERED at Lincoln, Nebraska this 6th day of February, 2001

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chairman

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

ATTEST:


Executive Director