

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1551
of Platinum Builders, Inc., d/b/a)
Platinum Limousine Service, Omaha,)
seeking authority as a common)
carrier in Nebraska intrastate)
commerce in the transportation)
of passengers by luxury or)
stretch limousine between points)
in Cass, Dodge, Douglas, Lancaster)
and Sarpy counties over irregular)
routes. RESTRICTION: The trans-)
portation of railroad train crews)
and their baggage is not)
authorized.)
MOTION FOR REHEARING
GRANTED
ENTERED: October 4, 2001

APPEARANCES:

For the Applicant:

John Boehm
811 S 13th Street
Lincoln, Nebraska

For the Protestants:

Marshall Becker
7901 Wakeley Plaza
Omaha, Nebraska

For the Commission:

Shanicee Knutson
300 The Atrium
1200 N Street
Lincoln, Nebraska

Patrick Sullivan
1246 Golden Gate Drive
Papillion, Nebraska

BY THE COMMISSION:

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

This matter comes before the Commission upon the filing of a Motion for Reconsideration (Rehearing) by Platinum Builders Inc. d/b/a Platinum Limousine Service (Platinum or Applicant) following the Commission's decision to deny the above-referenced application on July 11, 2001. An objection to the applicant's motion was filed by one of the Protestants in the underlying case, Omaha Limousine Company. An oral argument was held in the Commission Library on August 28, 2001, with appearances as shown above.

As a preliminary matter, the Commission finds that the Applicant's Motion for Rehearing, although incorrectly captioned, was properly before the Commission. The body of the Applicant's motion referenced the correct statutory provisions and it was moreover pleaded as if it were a Motion for Rehearing. Accordingly, the Protestant's Objection to the Motion for Reconsideration on the grounds that it was improperly before the Commission is overruled.

In the applicant's case in chief, there was some evidence indicating that there was a need for limousine service upon short notice. Historically, as stated in the Commission's July 11, 2001 order, the Commission has viewed limousine service as a luxury service which is scheduled substantially in advance of a certain event. Upon reflection of the arguments heard and the evidence provided, the Commission finds that the historic view of limousine service may no longer be responsive to the actual needs in the marketplace. The evidence indicated that there may be different requirements for those who use limousine service. In light of this, we are reluctant, by virtue of our decisions, to create a regulatory environment where public needs cannot be satisfied. Rather, we believe the Commission's role is to be responsive to the changing needs of the public.

Accordingly, the Commission finds that a rehearing of the evidence should be permitted so that Applicant has an opportunity to make that demonstration. In so finding, the Commission grants Platinum's motion for rehearing.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for rehearing filed by Platinum Builders Inc., d/b/a Platinum Limousine Service should be and it is hereby granted.

IT IS FURTHER ORDERED that a hearing on the above-captioned application should be scheduled in conformance with the Commission's findings contained herein.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of October, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis
David L. Voss
Robertson

Thomas J. Landis
Chairman

ATTEST:

Ad S. Pollock
Executive Director

//s//Frank E. Landis