

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1555
of Prime Consultants, Inc., dba)
Goodwill Medical Transportation,)
Omaha, seeking authority as a) MOTION FOR REHEARING/
common carrier in Nebraska intra-) RECONSIDERATION DENIED
state commerce in the transporta-)
tion of passengers by van between)
points in Cass, Douglas,)
Sarpy, and Washington counties)
over irregular routes.)
RESTRICTION: The transportation)
of railroad train crews and their)
baggage is not authorized.) Entered: October 16, 2001

BY THE COMMISSION:

This matter comes before the Nebraska Public Service Commission (Commission) upon a Motion for Rehearing/Reconsideration filed by the Protestant in the above-captioned matter, R & F Hobbies, Inc. d/b/a Prince of the Road (Prince of the Road). Oral Argument was held on the Motion on September 27, 2001. Mr. Anthony Ike appeared for the Applicant, and, Mr. John Boehm appeared for Prince of the Road.

The issue of the applicant's fitness has not been raised by the Protestant in this appeal. The Protestant's Motion questions only the Commission's finding with respect to public convenience and necessity.

Upon consideration of the evidence adduced at the hearing in the underlying case and the arguments given on September 27, 2001, the Commission is of the opinion and finds that the Motion for Rehearing/Reconsideration filed by the Protestant should be denied. The Commission finds that the evidence supports its previous decision to grant the application.

Among its previous findings, the Commission found that a need for the proposed service was not only demonstrated by Applicant, who had first-hand knowledge of appointments not being met by transportation providers, need was also evidenced through supporting witnesses who had specific knowledge of problems occurring due to a lack of adequate and satisfactory transportation. The Protestant on the other hand did not

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demonstrate that it was meeting the particular needs testified to at the hearing. Rather, the Protestant testified that it had made a conscious choice not to serve that particular segment of the public because of a purported lack of need.

The applicant further testified that there was a need for transportation providers in North Omaha. The Protestant tried to rebut this testimony by providing evidence on the number of trips it took in North Omaha. The Commission found that the testimony presented by the Protestant relating to the number of trips it provided in North Omaha was not on point and was largely unsubstantiated. Moreover, the Protestant defined North Omaha as a much larger area than did the applicant and did not provide any evidence that it had been providing transportation in the area of need as defined by Applicant.

In the Oral Argument, the Protestant argued that it was the problem of the nursing homes at issue because they had limited themselves to only two to three providers. The Commission finds it significant that none of those providers filed a Protest in the current proceeding. The Commission further finds that it is reasonable to believe that if given the alternative, those facilities would use the applicant's proposed transportation service. Moreover, the Protestant's arguments regarding adequacy of service by other carriers carry no weight in this proceeding, as Prince of the Road was the only carrier filing a protest.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Rehearing filed by R & F Hobbies, d/b/a Prince of the Road is denied.

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MADE AND ENTERED at Lincoln, Nebraska, this 16th day of October, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Donald H. Murrey

E. Harold L. Viny

Frank E. Landis

//s//Frank E. Landis

Arnold Sander
Chairman

ATTEST:

Ad S. Pollak
Executive Director

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