

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Hope Transportation,) APPLICATION NO. B-1557
Inc., Omaha, seeking authority as a)
common carrier in Nebraska intrastate)
commerce in the transportation of)
passengers in open class service by)
passenger van between points in)
Douglas, Sarpy and Washington)
counties, including the)
transportation of clients of the) GRANTED IN PART
Nebraska Department of Health and)
Human Services (DHHS), services under)
contract with DHHS, and other similar)
state and federal agencies.)
RESTRICTION: The transportation of)
railroad train crews and their)
baggage is not authorized.) ENTERED: SEPTEMBER 5, 2001

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on April 4, 2001, Hope Transportation, Inc., Omaha, 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 in open class service by passenger van between points in Douglas, Sarpy and Washington counties, including the transportation of clients of the Nebraska Department of Health and Human Services (DHHS), services under contract with DHHS, and other similar state and federal agencies.
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 April 11, 2001, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on April 30, 2001, by Midwest Special Services, Inc., through its attorney, Jack Shultz. On July 25, 2001, the protestant withdrew its protest. Application Number B-1557 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 75-322.04 (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 in open class service by passenger van between points in Douglas, Sarpy, and Washington counties. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized.

3. Proposed amendments to Commission rules in Rule and Regulation #148 require proof of public convenience and necessity specifically for transportation of Nebraska Department of Health and Human Services clients. The Commission is in the process of determining the procedures and requirements for demonstrating public convenience and necessity for transportation of DHHS clients. Therefore, the Commission does not decide whether Applicant is authorized to provide transportation for such clients at this time. The Commission anticipates that it will establish such procedures and issue an order addressing Applicant's request to transport Nebraska Department of Health and Human Services clients within 30 days.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1557, be, and it is hereby granted in part; and that upon compliance with terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to Hope Transportation, Inc., Omaha, Nebraska, in Application No. B-1557, 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 the 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.

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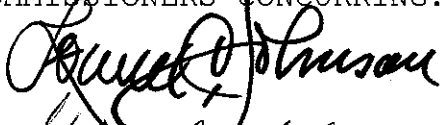

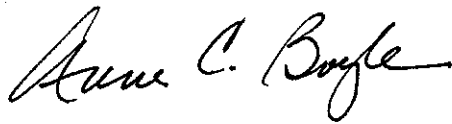
IT IS FURTHER ORDERED that applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

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.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of September, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION


COMMISSIONERS CONCURRING:


Chairman

Executive Director

ATTEST:


Frank E. Landis

