

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
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 19, 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.

The Commission entered an order on September 5, 2001, granting in part this application. Authority to transport DHHS clients was not granted at that time due to a proposed change in Commission procedure. The Commission is in the process of amending its rules and regulations regarding motor carriers in its docket Rule and Regulation #148. By an order dated July 24, 2001, the Commission proposed amendments to its motor carrier rules and regulations. The proposed rules require separate authority to provide DHHS carriage, including proof of public convenience and necessity for DHHS carriage. At the time the Commission granted in part this application, the Commission had been planning to further establish procedures for proof of public convenience and necessity for DHHS carriage. Since that time, the Commission has decided to require proof of public convenience and necessity for DHHS carriage only on applications filed after

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the July 24, 2001 order.

As stated above, Hope Transportation, Inc. filed this application on April 4, 2001. In the Commission's order in this docket dated September 5, 2001, the Commission authorized the applicant to provide open class service, but passed on determining whether to authorize DHHS carriage. The Commission enters this order to clarify that the applicant has authority to provide transportation for DHHS clients. In the September 5, 2001 order, the Commission found that the applicant met the Commission's fitness requirement, which is necessary for DHHS carriage. Therefore, in this order, the Commission makes findings only as to public convenience and necessity for DHHS carriage.

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. The application should be granted in its entirety.
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, 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.

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

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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.

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 19th day of September, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

George Johnson
Gerald L. Vay
Reed Johnson

Frank J. Jandri
Chairman

ATTEST:

A. S. Pollock
Executive Director

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