

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. B-1558,  
of MAVM Ventures, LLC, d/b/a A & ) Supplement 2  
B Shuttle, Omaha, seeking )  
authority as a common carrier in )  
Nebraska intrastate commerce in )  
the transportation of passengers ) MOTION FOR REHEARING AND/OR  
between points in Douglas, ) RECONSIDERATION DENIED  
Sarpy, and Lancaster Counties on )  
the one hand, and, on the other )  
hand, points in Nebraska over )  
irregular routes in sedans, )  
buses, and vans. ) Entered: April 1, 2003

BY THE COMMISSION:

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

By Motion filed on December 3, 2002, MAVM Ventures, LLC d/b/a A & B Shuttle (A & B Shuttle or Applicant), of Omaha, Nebraska, seeks rehearing and/or reconsideration of the Commission's November 26, 2002, Order Denying in Part. Upon consideration of the oral arguments given before the Commission on January 22, 2003, and after being fully advised in the premises the Commission is of the opinion and finds:

1. The Motion for Rehearing and/or Reconsideration should be denied.
2. The Commission's order of November 26, 2002, in Application B-1558, Supplement 2 should be affirmed.

O R D E R

IT IS, THEREFORE, ORDERED, by the Nebraska Public Service Commission that the Motion for Rehearing and/or Reconsideration filed in Application B-1558, Supplement 2, be, and it is hereby, denied; and the order of November 26, 2002, entered in Application B-1558, Supplement 2, be, and it is hereby affirmed.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION


Application No. B-1558, Supp. 2

Page 2

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of April 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Rod Johnson

//s//Frank E. Landis

//s//Gerald L. Vap

COMMISSIONERS DISSENTING:

//s//Anne C. Boyle



Vice Chairman

ATTEST:



Executive Director

Commissioner Anne C. Boyle dissenting:

I write separately to dissent from the majority's opinion which denies A&B Shuttle the opportunity to use sedans in its existing operations. I would have granted A&B Shuttle the ability to operate sedans in a limited capacity consistent with the evidence given at the hearing, particularly in light of the fact that their request for sedan use was uncontested. I would have permitted A&B Shuttle to operate on an appointment basis for individuals with special medical needs.

The majority's denial is disturbing, as the majority has held this applicant to a higher standard than any other application we have ever reviewed. Further, the record here reflects that the application was originally protested but the protests were withdrawn for various reasons including the addition of a restrictive amendment against originating transportation in Lancaster County. This demonstrates that the other carriers considered the impact of a grant of this application and affirmatively decided that the proposed service would not impair their operations.

In my opinion, the majority exceeded its bounds by denying an applicant the ability to offer a service that is responsive to a clear public need and where there is no protestant claiming endangerment. For these reasons, I strongly disagree with the majority's denial.

  
Anne C. Boyle

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