

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) APPLICATION NO. B-1559  
D & L Express, Inc., Atkinson, seeking )  
authority as a common carrier of passengers )  
in Nebraska intrastate commerce by bus, ) GRANTED AS AMENDED  
fifteen (15) passengers or less, to provide )  
charter or special party services between )  
points in Nebraska, except Richardson ) ENTERED: JUNE 27, 2001  
County, over irregular routes. )  
RESTRICTIONS: The transportation of )  
railroad train crews and their baggage is )  
not authorized. The transportation of )  
clients for the Nebraska Department of )  
Health and Human Services or subcontractors )  
thereof is not authorized. )

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on April 23, 2001, D & L Express, Inc., Atkinson, 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 Nebraska intrastate commerce by bus, fifteen (15) passengers or less, to provide charter or special party services between points in Nebraska, except Richardson County, over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of clients for the Nebraska Department of Health and Human Services or subcontractors thereof is not authorized.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on April 26 2001, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on May 24, 2001, by Yellow Cab & Limo, Inc. However, with a filing of a restrictive amendment to the original application on May 31, 2001, the protestant withdrew its protest on June 12, 2001. Application No. B-1559 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, (Reissue 1996), and the requirements, rules and regulations of the Commission thereunder.

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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 Nebraska intrastate commerce by bus, fifteen (15) passengers or less, to provide charter or special party services between points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of clients for the Nebraska Department of Health and Human Services or subcontractors thereof, is not authorized. The transportation of passengers in Jefferson, Gage, Saline, Thayer, Johnson, Pawnee, Richardson, York, Fillmore, Seward, Lancaster and Douglas Counties is not authorized.

3. The application should be granted as amended.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1559 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to D & L Express, Inc., Atkinson, in Application No. B-1559 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 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.

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

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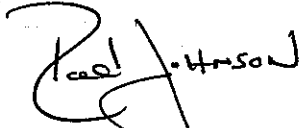
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IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity authorized shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of June, 2001.

COMMISSIONERS CONCURRING:



//s//Frank E. Landis

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

ATTEST:

  
Executive Director

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