

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Y Turner's	) APPLICATION NO. B-1564
Unlimited, Inc., Omaha, seeking	)
authority as a common carrier of	)
passengers in Nebraska intrastate	)
commerce to provide van service in	)
open class including clients of the	) GRANTED AS AMENDED
Nebraska Department of Health and	)
Human Services or subcontractors	)
thereof between points in Douglas	)
county bounded by 120 <sup>th</sup> Street on	)
the west, 16 <sup>th</sup> Street on the east,	)
Harrison Street on the south	) ENTERED: NOVEMBER 6, 2001
and McKinley Street on the north.	)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on June 5, 2001, Y Turner's Unlimited, Inc., Omaha, 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

Common carrier of passengers in Nebraska intrastate commerce to provide van service in open class including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Douglas County bounded by 120<sup>th</sup> Street on the west, 16<sup>th</sup> Street on the east, Harrison Street on the south, and McKinley Street on the north.

Notice of the above-captioned application was published in the Daily Record, Omaha, Nebraska, on June 12, 2001, pursuant to the rules of the Commission.

A timely protest to the granting of this application was filed on June 13, 2001, by Armadillo Express through its attorney, Brad Kistler. On July 20, 2001, a restrictive amendment was filed by the applicant through its attorney, Karen Tibbs. On July 23, 2001, Armadillo Express withdrew its protest. Application Number B-1564 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:

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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:

Common carrier of passengers in Nebraska intrastate commerce to provide open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Douglas County bounded by 120<sup>th</sup> Street on the west, 16<sup>th</sup> Street on the east, Harrison Street on the south and McKinley Street on the north. 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-1564, be, and it is hereby granted as amended; and that upon compliance with terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to Y Turner's Unlimited, Inc., Omaha, Nebraska, in Application No. B-1564, 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.

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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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 6<sup>TH</sup> day of November, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lowell D. Simon*  
*Donald E. Up*  
*Anne C. Bayle*  
*Frank E. Landis*  
//s/ Frank E. Landis

*Frank E. Landis*  
Chairman

ATTEST:

*And S. Pollack*  
Executive Director

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