

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1565
Mount Vernon Baptist Church dba)
Mount Vernon Baptist Church Guardian)
Angel, Omaha, seeking authority as a)
common carrier of passengers in)
Nebraska intrastate commerce in open) GRANTED AS AMENDED
class service including clients of)
the Nebraska Department of Health)
and Human Services or subcontractors)
thereof between points in Douglas)
and Sarpy counties over irregular)
routes.) ENTERED: DECEMBER 4, 2001

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed on June 28, 2001, Mount Vernon Baptist Church dba Mount Vernon Baptist Church Guardian Angel, Omaha, seeks a Contract Carrier Permit to operate as a contract carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Passengers in Nebraska intrastate commerce in open class service including clients of the Nebraska Department of Health and Human Services or subcontractors thereof between points in Douglas and Sarpy counties over irregular routes.

Notice of the above-captioned application was published in The Daily Record, Omaha, Nebraska, on June 29, 2001, pursuant to the rules of the Commission.

Timely protests to the granting of this application were filed on July 5, 2001, by Shared Mobility Coach, Inc.; on July 13, 2001, by Safeway Cabs, Inc., through its attorney, Tim B. Streff; and on July 27, 2001, by Happy Cab, Yellow Cab, Checker Cab, and Cornhusker Cab Co., through their attorney, Patrick Sullivan. However, with the filing of restrictive amendments to the original application on July 25, 2001, on July 29, 2001, and on October 22, 2001, Happy Cab, Yellow Cab, Checker Cab, and Cornhusker Cab Co., withdrew their protests on October 23, 2001; Safeway Cabs, Inc., withdrew its protest on October 30, 2001; and, Shared Mobility Coach, Inc., withdrew its protest on November 8, 2001. Application B-1565 was then processed pursuant to Rule 018.03 of the Commission Rules of Procedure.

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

APPLICATION NO. B-1565

PAGE TWO

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 as a contract carrier to their (passengers) residences in Douglas and Sarpy counties from Mount Vernon Baptist Church and from their (passengers) residences in Douglas and Sarpy counties to Mount Vernon Baptist Church under a continuing contract with Mount Vernon Baptist Church.

3. The application for authority should be granted as amended.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1565, be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in this Order, a Contract Carrier Permit shall be issued to Mount Vernon Baptist Church dba Mount Vernon Baptist Church Guardian Angel, Omaha, Nebraska, in Application B-1562, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Contract Carrier Permit 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 Contract Carrier Permit is issued.

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

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

APPLICATION NO. B-1565

PAGE THREE

IT IS FURTHER ORDERED that the Contract Carrier Permit 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 4th day of December, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Harold L. Vap

Ann C. Boyle

Red Johnson

//s//Frank E. Landis

Frank Landis
Chairman

ATTEST:

John Survan
Acting Executive Director

