

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	APPLICATION NO. B-1582
of Action Taxi and Limo, Inc.,)	SUPPLEMENT 1
Sioux City, Iowa, seeking)	
authority as a common carrier of)	
passengers in Nebraska)	
intrastate service by taxicab)	
over irregular routes between)	
points in Dakota, Dixon,)	
Thurston and Wayne Counties, on)	ORDER DENYING MOTION TO
the one hand, and, on the other)	COMPEL
hand, points in Nebraska. To)	
include transportation of)	
clients of the Nebraska)	
Department of Health and Human)	
Services. RESTRICTION: The)	
transportation of railroad train)	
crews and their baggage is)	
not authorized.)	ENTERED: JUNE 14, 2004

BY THE HEARING OFFICER:

By Motion to Compel filed June 4, 2004, the Applicant Action Taxi and Limo, Inc., (movant) through its undersigned counsel, requests an order compelling the applicant to answer Interrogatory Nos. 3, 4 and 19, and nos. 2, 3, 4, 9, 10, 11, 12, 13 and 15 in their Request for Production of Documents served upon the Protestant R&F Hobbies, Inc. dba Prince of the Road. The movant also requested that a telephonic hearing be held. In support of its Motion, the movant states that the answers requested will lead to further evidence in the case.

Upon consideration of this Motion, the Hearing Officer is of the opinion and finds that the Motion to Compel and the request for a telephonic hearing should be denied. In many of the requests the information sought is not likely to lead to the discovery of relevant and admissible evidence. Additionally, for others, the requests are overly broad and the burden of producing such information outweighs any potential benefits.

Specifically, with respect to Request for Production No. 2, the documents sought would contain private, confidential information beyond the scope of this matter. With respect to Request for Production No. 4, the request seeks the disclosure of material protected by attorney work product and/or attorney client privilege.

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O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the Motion to Compel is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of June, 2004.

By:


Hearing Officer