

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1587
of Empire Holdings, LLC, Omaha,)
seeking to acquire, through)
transfer, the authority as a) PROTESTANT'S MOTION TO
common carrier granted to) COMPEL RESPONSES TO
Embassy Limousine, Inc., in) DISCOVERY GRANTED IN PART
Certificate B-1392.)
Entered: September 23, 2002

BY THE HEARING OFFICER:

Omaha Limousine Co., L.L.C., Protestant in the above-captioned matter, filed with the Commission a Motion to Compel Responses to Discovery on September 19, 2002. In the Motion, the Protestant alleges that its First Set of Interrogatories and Requests for Production of Documents were served upon the Applicant, Empire Holdings, LLC, on or about August 16, 2002. Protestant further alleges that the Applicant has failed to comply with said discovery requests.

Use of discovery in proceedings before the Commission is governed by the rules and regulations of the Nebraska Supreme Court. NEB. ADMIN. R. & REGS. Title 291, Chapter 1, Rule 016.11.

The Hearing Officer finds that certain of Protestant's discovery requests will result in undue burden or expense to the Applicant. Furthermore, the tools of discovery should be used in an efficient and responsible manner that allows all parties to adequately prepare their respective cases.

The Applicant should be ordered to respond to the following Interrogatories: Nos. 1, 2, 3, 4, 5, 6, 8, 13, 14 and 30. The answer to Interrogatory No. 4 may be confined to the list of individuals employed by the applicant in connection with its proposed transportation service. The answer to Interrogatory No. 8 may be limited to the name, employer, and job title of each witness. The Hearing Officer's finding that all other Interrogatories should not be answered does not preclude Protestant from seeking such information from the Applicant upon cross-examination.

The Applicant should be ordered to comply with Request for Production of Documents No 1.

Protestant requests a hearing on the motion. Because the Hearing Officer has sufficient information to dispose of the motion, the request for hearing is denied.

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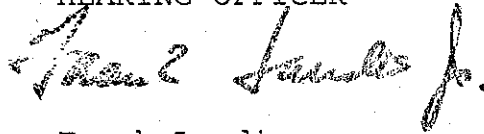
Protestant further requests that attorney fees be awarded.
Attorney fees are denied.

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that Protestant's Motion to Compel Responses to Discovery is granted in part, as set forth in the body of this order.

IT IS FURTHER ORDERED that Applicant must comply with this Order by or before 5:00 p.m. on September 26, 2002.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of September, 2002.

HEARING OFFICER

A handwritten signature in dark ink, appearing to read "Frank Landis", is written over the typed name.

Frank Landis