

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) TEMPORARY AUTHORITY DENIED
transfer, the authority granted)
to Embassy Limousine, Inc., in)
Certificate B-1392.) ENTERED: JUNE 18, 2002

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed May 24, 2002, Empire Holdings, LLC, Omaha, seeks to acquire, through transfer, the operating rights granted to Embassy Limousine, Inc., in Certificate B-1392.

In its application, applicant further requested that this Commission grant temporary approval to the applicant of a lease of the motor carrier properties and the certificate sought to be acquired by it. Notice of such request for temporary authority was published in the Daily Record on May 31, 2002, pursuant to the rules and regulations of this Commission. A timely protest to the granting of authority, temporary or otherwise, was filed on June 10, 2002, by Embassy Limousine, Inc., the current authority holder.

Pursuant to Neb. Rev. Stat., Section 75-319(1)(1996), this Commission,

(M)ay, in its discretion, after not less than five days' notice to interested carriers, and without hearings or other proceedings, grant temporary approval for a period not exceeding ninety days, of a lease of the regulated motor carrier properties and of the certificates or permits sought to be acquired to the person filing the application, if it shall appear that failure to grant such temporary approval may result in destruction of or injury to such regulated motor carrier properties, and certificates or permits sought to be acquired or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

Based upon the foregoing, we conclude that temporary approval should not be granted in this case. There is no evidence of a lease of the regulated motor carrier properties or of the certificates or permits sought to be acquired to the person filing the application; in fact, the current authority holder has protested the application.

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Furthermore, it does not appear that a failure of the Commission to grant approval temporary approval would result in destruction or injury to regulated motor carrier properties. Moreover, we are of the opinion that the denial of temporary approval will not substantially interfere with the certificate's future usefulness in the performance of adequate and continuous service to the general public. Accordingly, temporary approval should be denied.

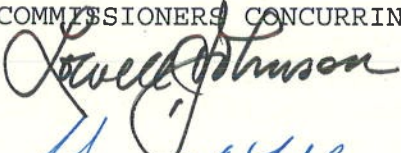

O R D E R


IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the application for temporary approval of a lease of the motor carrier properties and the certificate sought to be acquired by Empire Holdings, LLC, Omaha, be, and it is hereby, denied.

MADE AND ENTEREDD at Lincoln, Nebraska, this 18th day of June, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


//s//Anne C. Boyle
//s//Frank E. Landis


Chair

ATTEST:


Executive Director