

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1597
of Caring Network Inc., Omaha,)
seeking authority as a common)
carrier in Nebraska intrastate)
commerce in open class service)
between points in Douglas,)
Sarpy, Washington, Cass, and) MOTION FOR RECONSIDERATION
Dodge counties over irregular) AND/OR REHEARING OVERRULED
routes. To include the)
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: JULY 8, 2003
)

APPEARANCES:

For the Applicant:
Mr. John Ekeh
1904 Farnam Street
Suite 626
Omaha, Nebraska 68102

For the Protestant:
Mr. John Boehm
811 South 13th Street
Lincoln, Nebraska 68508

For the Commission staff:

Shana Knutson
300 The Atrium
1200 N Street
Lincoln, Nebraska 68508

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On this 8th day of July 2003, the Commission considered the Motion for Rehearing and/or Reconsideration filed in the matter of Caring Network Inc., in Application B-1597.

In the oral argument held on June 17, 2003, the movant, R & F Hobbies d/b/a Prince of the Road, argued among other things that the Commission's order did not properly reflect the nature

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of the testimony of one protestant witness, Mr. Sean Schroll. In the order, the Commission had quoted Mr. Schroll's statement that his earlier testimony had been "false" (Order at 7; Tr. at 116-117) even though it was a mistake or confusion on the part of the witness as to what he had actually previously testified to under oath. The Commission does not want to leave the impression that Mr. Schroll had perjured himself or that he gave conflicting testimony with respect to the subject territory when Mr. Schroll had simply been confused about his previous statements. Therefore, the Commission recognizes that the testimony of Mr. Schroll had been that Prince of the Road has had to discharge drivers in other parts of Nebraska due to increased competition, but that his testimony did not pertain to the Omaha metropolitan area. The Commission further recognizes that Mr. Schroll although confused and stating that his earlier testimony was "false", did not actually give a false statement on the record regarding the discharging of drivers due to competition.

However, this clarification does not change our initial opinion in which we found sufficient evidence to grant the application of Caring Network Inc. After being fully advised in the premises, the Commission is of the opinion and finds:

1. The Motion for Rehearing and/or Reconsideration should be denied.
2. The Commission's order of March 25, 2003 in Application B-1597 should be affirmed.

O R D E R

IT IS, THEREFORE, ORDERED, by the Nebraska Public Service Commission that the Motion for Rehearing and/or Reconsideration filed in Application B-1597, be, and it is hereby, denied; and the order of March 25, 2003, entered in Application B-1597, be, and it is hereby affirmed.

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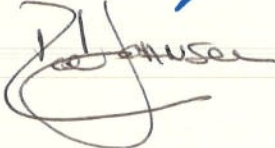
MADE AND ENTERED at Lincoln, Nebraska, this 8th day of July 2003.

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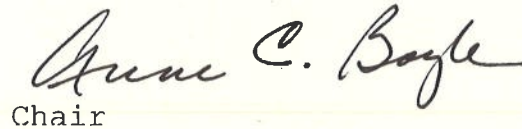
COMMISSIONERS CONCURRING:







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


Chair

ATTEST:


Executive Director