

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1606
of National Arbor Day) SUPPLEMENT 1
Foundation, Nebraska City,)
seeking to acquire, through) GRANTED AND CERTIFICATE
transfer, the authority granted) B-1712 REVOKED (EXCLUDING
to DW & JW, Inc., dba Luxury) SUPPLEMENT 2)
Limousine & Trolley Service,)
Syracuse, in Certificate B-1712.) ENTERED: JUNE 15, 2010

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed April 14, 2010, National Arbor Day Foundation, Nebraska City, seeks to acquire, through transfer, the operating rights granted to DW & JW, Inc., dba Luxury Limousine & Trolley Service, Syracuse, in Certificate B-1712.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on April 19, 2010, pursuant to the rules of the Commission.

Because no protests were filed, Application B-1606, Supplement 1, was processed pursuant to Rule 018.03 of the rules of procedure of the Commission.

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

1. Applicant is fit, willing, and able properly to perform the proposed extended service.
2. The proposed transfer of operating rights will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application B-1712 is not dormant.
4. A certificate should be issued in Application B-1606, Supplement 1, authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Passengers in rubber-tired trolley cars in Otoe County and in charter service, all charters to originate and terminate in Nebraska City. SUPP. 1: Passengers in rubber-tired trolley cars in charter service, originating and terminating in Nebraska City, whereby visitors, shoppers, or residents of Nebraska City and

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surrounding counties are transported from Nebraska City to a specified location and returned to Nebraska City. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

SUPPLEMENT 1: Transportation of passengers and their baggage by trolley in charter and special party originating within a 100-mile radius of Nebraska City, Nebraska. HHS Designation: No. (excludes Supplement 2).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1606, Supplement 1, be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to National Arbor Day Foundation, Nebraska City, Nebraska, in Application B-1606, Supplement 1, authorizing the operations set forth in the foregoing findings; and that to avoid a lapse of authority, the Certificate of Public Convenience and Necessity issued in Application B-1712, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1606, Supplement 1.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Public Convenience and Necessity 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 operations until a Certificate of Public Convenience and Necessity is issued.

IT IS FURTHER ORDERED that the operations authorized herein 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 15th day of June, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s// Frank E. Landis
//s// Tim Schram



Vice Chairman

ATTEST:


Executive Director