

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the Application) APPLICATION NO. B-1611
of Angel Vazquez dba El Aquila)
Transportation, Lexington,)
Nebraska, seeking authority as a)
common carrier in Nebraska)
intrastate commerce by van in)
open class service over regular) GRANTED
and irregular routes between)
points in Lexington over regular)
routes and between points within)
a 40-mile radius of Lexington)
over irregular routes.) ENTERED: JULY 15, 2003

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed November 18, 2002, Angel Vazquez dba El Aquila Transportation, of Lexington, Nebraska, hereinafter referred to as applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Common: Transportation of passengers and their baggage in Nebraska intrastate commerce by van in open class service over regular and irregular routes between points in Lexington over regular routes and between points within a 40-mile radius of Lexington over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of clients of the Nebraska Department of Health and Human Services and subcontractors thereof is not permitted.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on November 26, 2003, pursuant to the rules of the Commission.

No protests were filed, however, because the Commission had multiple applications for the same territory, the Commission set this matter for hearing on April 9, 2003 in the Commission Hearing Room in Lincoln, Nebraska.

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Ms. Marisela Romero testified on behalf of the applicant. She is the owner of El Aguila in Lexington, which is the only public desk in Nebraska. She writes letters for people, makes calls for people, settles disputes, fills out employment forms and provides general assistance to the Spanish population in Lexington. She described the business plan of the applicant and the need for the service. She also testified as to the fitness of the applicant and the applicant's willingness to serve the public as a common carrier in the territory requested.

At the hearing, Ms. Romero testified that in the near future the applicant would want authority to go to North Platte to assist those who need rides to the distribution center there. However, upon questioning, Ms. Romero acknowledged that El Aguila would need to apply for and receive an extension of authority since North Platte would not be within the 40-mile radius restricted by El Aguila's application.

In addition Ms. Romero provided a letter of support from a representative of the IBP plant in Lexington. The letter recommends the applicant for approval and informs the Commission of a need for transportation service in Lexington.

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 service, and to conform to the provisions of Neb. Rev. Stat., sections 75-301 to 75-322.04, (Reissue 1996), and the requirements, rules and regulations of the Commission thereunder.
2. The proposed intrastate service is or will be required in the following extent:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Common: Transportation of passengers and their baggage in Nebraska intrastate commerce by van in open class service over

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regular and irregular routes between points in Lexington over regular routes and between points within a 40-mile radius of Lexington over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of clients of the Nebraska Department of Health and Human Services and subcontractors thereof is not permitted.

3. The application for authority should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1611 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 Angel Vazquez dba El Aguila Transportation, Lexington, Nebraska, in Application B-1611, authorizing the operations set forth in the foregoing findings.

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 90 days 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.

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MADE AND ENTERED at Lincoln, Nebraska, this 15th day of July 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis
Gerald L. Vap
Red Johnson

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

Anne C. Boyle

Chair

ATTEST:

Ad S. Pollack

Executive Director