

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Spencer M. ) APPLICATION NO. B-1617  
Fentress dba Fairbury Taxi, )  
Fairbury, seeking to acquire, )  
through transfer, the authority )  
granted to Murvel LeRoy Fentress )  
and Spencer M. Fentress, a )  
partnership, dba Fairbury Taxi ) PROTESTANT'S MOTION FOR  
in Certificate B-1499 and to ) RECONSIDERATION GRANTED AND  
extend its authority to between ) ORDER MODIFIED  
points in Jefferson County, and )  
between points in Jefferson )  
County and points in Nebraska. )  
All trips to originate or )  
terminate in Jefferson County. ) ENTERED: DECEMBER 2, 2003

APPEARANCES:

For the Applicant:

Hal Hasselbalch, Esq.  
7900 Portsche Lane  
Lincoln, NE 68516

For the Commission:

Shana Knutson, Esq.  
300 The Atrium  
1200 N Street  
Lincoln, NE 68508

For the Protestants:

Yellow Cab & Limo, Inc.,  
and R & F Hobbies Inc.,  
d/b/a Prince of the  
Road:

John Boehm, Esq.  
811 S. 13<sup>th</sup> Street  
Lincoln, NE 68508

BY THE COMMISSION:

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

This cause came to be heard by the Commission upon a Motion for Reconsideration and/or Rehearing filed by Spencer M. Fentress dba Fairbury Taxi (applicant) on November 7, 2003, and a Motion for Reconsideration and/or Rehearing filed by the Protestant, Yellow Cab & Limo, Inc., on November 17, 2003, appealing an Order of the Commission granting in part as modified the above-captioned application on November 4, 2003. Oral Argument was granted as a matter of right and heard on November 25, 2003. Upon consideration of the arguments and review of the evidence presented at the hearing, the Commission is of the opinion and finds that the Motion filed by the applicant should be denied and the Motion filed by the

Protestant for Reconsideration should be granted. The Commission agrees with the Protestant that there was insufficient evidence upon which to authorize the applicant to originate transportation services within Gage County. Accordingly, the certificate authorized in this matter should be further modified as follows:

CERTIFICATE AUTHORIZED

SERVICE TERRITORY AUTHORIZED:

COMMON: Transportation of passengers in Nebraska intrastate commerce to provide taxicab service by sedan between points in Jefferson County and between points in Jefferson County on the one hand and on the other hand points in Gage and Thayer Counties over irregular routes. All transportation of passengers and their baggage shall originate in either Jefferson or Thayer County. RESTRICTIONS: The transportation of clients of the Nebraska Department of Health and Human Services or of any subcontractors thereof beyond a five-mile radius of Fairbury shall not be permitted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Reconsideration and/or Rehearing filed by Spencer M. Fentress dba Fairbury Taxi be and it is hereby denied.

IT IS FURTHER ORDERED that the Motion for Reconsideration and/or Rehearing filed by Yellow Cab & Limo, Inc. be and it is hereby granted.

IT IS FURTHER ORDERED that the authorization granted in the Commission's November 4, 2003 Order be modified as provided above and that a certificate shall be issued to Spencer M. Fentress d/b/a Fairbury Taxi authorizing the services of a common carrier by motor vehicle consistent with the findings herein.

IT IS FINALLY ORDERED that except for the limited findings herein, all other portions of the Commission's November 4, 2003 Order, shall remain intact.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

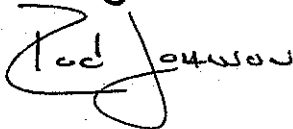
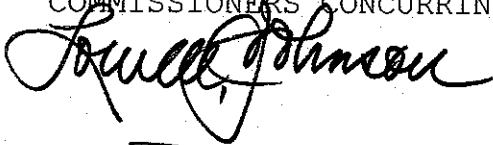
Application No. B-1617

PAGE 3


MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of December 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Anne C. Boyle

  
Chair

ATTEST:

  
Executive Director

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

---