

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1623
of First Holiday Tour & Travel,)
Inc., dba Doc Holiday Express,)
Inc., Grand Island, Nebraska,)
seeking authority as a common)
carrier in Nebraska intrastate)
commerce in the transportation)
of passengers by bus in charter) GRANTED AS AMENDED
service between all points in)
Nebraska over irregular routes.)
To include the transportation of)
Health and Human Services)
clientele and their) ENTERED: JULY 20, 2004
subcontractors thereof.)
RESTRICTION: The transportation)
of railroad train crews and)
their baggage is not authorized.)

OPINION AND FINDINGS

By application filed March 25, 2003, First Holiday Tour & Travel, Inc., dba Doc Holiday Express, Grand Island, hereafter referred to as applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicles as follows:

AUTHORITY SOUGHT

Transportation of passengers by bus in charter service between all points in Nebraska over irregular routes. To include the transportation of Health and Human Services clientele and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Timely protests to the granting of this application were filed on March 31, 2003, by Comstock Corporation dba Action Act, by its attorney, Brad Kistler; on April 10, 2003, by Servant Cab Company LLC dba Yellow Cab Company and Capital Cab Company, through its attorney, Jack Shultz; on April 15, 2003, by Midwest Special Services, Inc., through its attorney, Jack Shultz; on April 22, 2003, by Prince of the Road, through its attorney, John Boehm; and, Yellow Cab & Limo, Inc. A restrictive amendment was filed on April 28, 2003, by the applicant. On April 21, 2003, Yellow Cab & Limo withdrew its protest. On April 23, 2003, Prince of the Road, through its attorney, withdrew its protest. On April 28, 2003, Servant Cab, LLC, dba Yellow Cab Company and Capital Cab Company and Midwest Special Services, through their attorney Jack Shultz, withdrew their

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protests; and, on May 23, 2004, Comstock Corporation dba Action Cab, through its attorney, Brad Kistler, withdrew its protest. Application No. B-1623 was then 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 service proposed 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 by the present or future public convenience and necessity to the following extent:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED: COMMON: Transportation of passengers by bus in charter service between all points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The use of motor coach buses with a rated capacity of less than twenty-five (25) passengers is not authorized. Point to point service wholly within the city of Grand Island and point to point service wholly within the city of Hastings is not authorized.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1623, be, and it is hereby granted as amended; 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 First Holiday Tour & Travel, Inc., dba Doc Holiday Express, Grand Island, Nebraska, in Application No. B-1623, 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 a reasonable time from the effective date of this Order, with Neb. Rev. Stat., Sections 75-305 (fees), 75-207

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(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 the operations until a Certificate of Public Convenience and Necessity is issued.

IT IS FURTHER ORDERED that applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity authorized 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 20th day of July, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Vap
Frank E. Landis

Frank E. Landis

/s/ Gerald L. Vap
/s/ Frank E. Landis

Chairman

Gerald L. Vap

ATTEST:

Ad S Pollok
Executive Director