

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1627
of Advantage Transport, Inc.,)
Sioux City, Iowa, seeking)
authority as a common carrier of)
passengers by charter bus over) GRANTED AS AMENDED
irregular routes between points)
in Nebraska. RESTRICTION: The)
transportation of railroad train)
crews and their baggage is not)
authorized.) ENTERED: AUGUST 5, 2003

OPINION AND FINDINGS

By application filed April 21, 2003, Advantage Transport, Inc., Sioux City, Iowa, hereinafter 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 charter bus
between points in Nebraska over irregular routes.
RESTRICTION: The transportation of railroad
train crews and their baggage is not authorized.

A timely protest to the granting of this application was filed by Prince of the Road through its attorney, John Boehm. On June 26, 2003, a restrictive amendment was filed to the original application by the applicant. On July 1, 2003, Prince of the Road through its attorney, John Boehm, withdrew its protest. Application No. B-1627 was then processed pursuant to Rule 018.03 of the Rules of Procedure of the Commission.

The Commission's authority over common carriers in charter service is governed in part by federal law, which restricts States from enacting or enforcing any law, rule, regulation, standard, or other provision having the force and effect of law relating to the authority to provide intrastate or interstate charter bus transportation. See 49 U.S.C., Section 14501. Federal law further provides that States are not restricted from exercising regulatory authority with respect to motor vehicles, and may regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization. Id.

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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. Upon compliance 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, a Certificate of Compliance should be issued as proposed:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED: COMMON: Transportation of passengers by charter bus between points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. Transportation is restricted to passengers in buses with a capacity of greater than 22 passengers originating and terminating within a 50 mile radius of South Sioux City, Nebraska. Transportation of passengers by van is not authorized.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1627, 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 Compliance shall be issued to Advantage Transport, Inc., Sioux City, Iowa, in Application No. B-1627, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Compliance 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), 75-207 (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.

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IT IS FURTHER ORDERED that applicant shall not conduct the operations until a Certificate of Compliance 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 Compliance 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 5th day of August, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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



Chair

ATTEST:



Deputy Director