

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. B-1639  
of LS Enterprises, Inc., dba )  
Ollie the Trollie, Omaha, seeking )  
to acquire, through transfer, the ) GRANTED AND CERTIFICATE  
authority granted to Western ) B-1328 REVOKED  
Sightseeing Tours, Inc., in )  
Certificate B-1328. )  
) ENTERED: JANUARY 13, 2004

BY THE COMMISSION:

### OPINION AND FINDINGS

By application filed October 10, 2003, LS Enterprises, Inc., dba Ollie the Trollie, Omaha, seeks to acquire, through transfer, the operating rights granted to Western Sightseeing Tours, Omaha, in Certificate B-1328.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on October 15, 2003, pursuant to the rules of the Commission.

Because no protests were filed, Application B-1639 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-1328 is not dormant.
4. A certificate should be issued in Application B-1639 authorizing the following operations:

### CERTIFICATE AUTHORIZED

#### SERVICE AND TERRITORY AUTHORIZED:

COMMON: transporting passengers on sightseeing tours to points in the City of Omaha, Nebraska, and vicinity over irregular routes in round-trip operations beginning and ending at the same location. SUPP. 1: (A) Passengers by bus which shall have a seating capacity of ten or more between points in Omaha and Douglas County and in the general vicinity over irregular routes, and (B) passengers by bus in charter and special party operations transporting no less than seven passengers between points in Nebraska, except Richardson County, over irregular routes.

RESTRICTION: Transportation of railroad train crews and their

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baggage is not authorized. SUPP. 2: Passengers and their baggage by bus in charter and special operation between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1639 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 LS Enterprises dba Ollie the Trollie, Omaha, Nebraska, in Application B-1639, 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-1328, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1639.

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 13<sup>th</sup> day of January, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Anne C. Boyle  
//s//Rod Johnson  
//s//Frank E. Landis  
//s//Gerald L. Vap

ATTEST:

Chairman



Executive Director

