

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of A-1 Limousine Services, LLC, seeking to acquire, through transfer, the authority granted to A-1 Ambassador Limousine, Inc., dba Ambassador Limousine in Certificate B-1469; the authority granted to A-1 Ambassador Limousine, Inc., dba Haymarket Limousine, in Certificate B-1470; and the authority granted to JLRD, Inc., dba Lincoln Limousine, in Certificate B-1529.)	APPLICATION NO. B-1643
)	
)	GRANTED AND CERTIFICATES
)	B-1469, B-1470, & B-1529
)	REVOKED
)	
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)	
)	
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)	
)	ENTERED: FEBRUARY 3, 2004

APPEARANCES:

For the Applicant:

Jack Shultz
800 Lincoln Square
121 South 13th Street
Lincoln, NE 68508

For the Protestant R & F Hobbies, Inc.:

John Boehm
811 South 13th Street
Lincoln, NE 68508

For the Commission:

Shana Knutson
300 The Atrium
1200 N 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

By application filed November 6, 2003, A-1 Limousine Services, LLC, Lincoln, Nebraska, hereinafter referred to as applicant, seeks approval of the acquisition of the operating rights and authority

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granted to A-1 Ambassador Limousine, Inc., dba Ambassador Limousine in Certificates B-1469, B-1470 and B-1529 which authorize as follows:

B-1469: the authority granted to A-1 Ambassador Limousine:

SERVICE AND TERRITORY AUTHORIZED:

COMMON: Passengers and their baggage by limousine between points in Lancaster County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized.

B-1470: The authority granted to A-1 Ambassador Limousine, Inc., dba Haymarket Limousine, which reads as follows:

SERVICE AND TERRITORY AUTHORIZED:

COMMON: Passengers and their baggage by limousine between points in Nebraska except points in Douglas, Sarpy, and Richardson counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

B-1529: The authority granted to JLRD, Inc., dba Lincoln Limousine, which reads as follows:

SERVICE AND TERRITORY AUTHORIZED

COMMON: limousine service, as distinguished from taxicab service, to and from points within Lancaster County, on the one hand, and, on the other hand, to and from points within the state of Nebraska. Operations shall be on an appointment only basis with no regularly scheduled service to and from the Lincoln Municipal Airport. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on November 7, 2003, pursuant to the rules and regulations of this Commission. Protests to the transfer were filed by Prince of the Road on December 8, 2003, and by Yellow Cab & Limo, Inc. on December 6, 2003. A hearing was held on January 12, 2004 with appearances as shown above.

In support of the transfer application, Applicant presented

two witnesses, Mr. Dennis Wagner and Mr. William Alford. Mr. Wagner is vice-president and a part-owner of A-1 Ambassador Limousine, Inc. His parents and his wife own the remaining shares of the company. He is seeking to have Certificate Numbers B-1469, 1470 and B-1529 transferred to Mr. Alford, owner of Alford Oil Company and VIP, Inc. Mr. Wagner testified that the reason for the proposed transfer is the ailing held of his parents. Mr. Wagner testified that he will be staying on as manager of A-1 Limousine Services, LLC and work under Mr. Alford to run the day-to-day operations. Mr. Wagner testified that the authority has been actively operated during his ownership the entire time. Exhibit 8 represents the limousine services provided by A-1 Ambassador Limousine Inc. December 29, 2002 through January 4, 2003. In the past, it has advertised its services through Yellow Page advertisements, a Website and through word of mouth. (See Exhibits 9-12). Mr. Wagner testified that a transfer of the authorities would be in the public interest because it would allow limousine service that has been available to the public in the past continue to be available to the public in the future.

Mr. William Alford testified that he has been involved in the limousine business for a year and a half. His company operated eighteen limousines at the time of the hearing. He owns both A-1 Limo, LLC and VIP, Inc. At the present time, he is planning on absorbing the fleet of A-1 Ambassador Limousine. His company performs criminal background checks on the drivers. He currently has safety programs in place for the drivers. Mr. Alford offered the financial statements of Alford Oil Company to demonstrate to the Commission that he possesses financial fitness to operate the proposed service. He has the capability to borrow additional capital if necessary. Mr. Alford testified that if this application is granted, he will continue to serve the territory in the same fashion as it was served by A-1 Ambassador Limousine, Inc.

Mr. Sean Schroll, a corporate officer of Prince of the Road, testified that Prince of the Road is in the process of purchasing the certificate held by Aquila Limousine Service. Mr. Schroll investigated the need for limousine service providers in the area served by Aquila Limousine Service and determined that there was a need for that service. He reviewed six telephone books in that area and determined that A-1, Haymarket and Lincoln Limousine Inc. did not advertise in those telephone books. Mr. Schroll believed that the granting of the transfer application would result in a new service in the territory served by Aquila Limousine.

On January 15, 2004, Prince of the Road withdrew its Protest in this case. On January 22, 2004, Yellow Cab & Limo also withdrew

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its Protest.

Upon consideration of the evidence adduced at the hearing, 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 certificates issued in Application B-1469, B-1470 and B-1529 is not dormant.
4. A certificate should be issued in Application B-1643, authorizing the following operations:

SERVICE AND TERRITORY AUTHORIZED:

COMMON: Passengers and their baggage by limousine between points in Lancaster County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. (2) The authority granted to A-1 Ambassador Limousine, Inc., dba Haymarket Limousine in Certificate B-1470, which reads as follows: COMMON: Passengers and their baggage by limousine between points in Nebraska except points in Douglas, Sarpy, and Richardson counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. (3) The authority granted to JLRD, Inc., dba Lincoln Limousine, in Certificate B-1529, which reads as follows: COMMON: limousine service, as distinguished from taxicab service, to and from points within Lancaster County, on the one hand, and, on the other hand, to and from points within the state of Nebraska. Operations shall be on an appointment only basis with no regularly scheduled service to and from the Lincoln Municipal Airport. 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-1643, 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

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be issued to A-1 Limousine Services LLC, Omaha, Nebraska, in Application B-1643 authorizing the operations set forth in the foregoing findings; and that to avoid a lapse of authority, the Certificates of Public Convenience and Necessity issued in Application B-1469, B-1470 and B-1529, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1643.

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 3rd day of February, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s// Frank E. Landis

//s// Rod Johnson


Vice Chairman

ATTEST:


Executive Director