

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1645
of R & A Transport, LLC, York,)
seeking to acquire, through)
transfer, the authority granted) GRANTED AS AMENDED AND
to Raymond L. Eichman, York,) CERTIFICATE B-1483 REVOKED
in Certificate B-1483.)
)
) ENTERED: AUGUST 31, 2004

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed February 23, 2004, R & A Transport, LLC, York, seeks to acquire, through transfer, the operating rights granted to Raymond L. Eichman, York, in Certificate B-1483, which reads as follows: "Transportation of passengers between points within a 100 miles of York over irregular routes under continuing contracts with FHC Options, Inc. RESTRICTION: Restricted to transportation originating in York County."

Notice of the application was published in the Daily Record, Omaha, Nebraska, on March 2, 2004, pursuant to the rules of the Commission.

Timely protests were filed on March 19, 2004, by Servant Cab Company LLC dba Yellow Cab Company and Capital Cab Company and Midwest Special Services, Inc., through their attorney, Jack Shultz and on March 31, 2004, by Prince of the Road through its attorney John Boehm. Restrictive language was proposed by Jack Shultz, attorney for two protestants and approved by John Brogan, applicant's attorney. On July 14, 2004, Servant Cab Company LLC dba Yellow Cab Company and Capital Cab Company and Midwest Special Services withdrew their protests through their attorney, Jack Shultz. On July 21, 2004, Prince of the Road, through its attorney, John Boehm, withdrew its protest. Application B-1645 was therefore 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-1483 is not dormant.
4. A certificate should be issued in Application B-1645, as amended, authorizing the following operations:

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CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers between the facilities of Epworth Village in Grand Island and York, Nebraska, on the one hand, and, on the other hand, points in Nebraska under continuing contracts with Epworth Village, Inc., the Nebraska Department of Health and Human Services and its subcontractors thereof. RESTRICTION: Service is restricted to traffic originating at or destined to the facilities of Epworth Village, Inc.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1645 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 R & A Transport, LLC, York, Nebraska, in Application B-1645, 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-1483, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1645.

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 90 days 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 31st day of August, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell Johnson
Anne C. Boyle

Chairman

Lowell Johnson

ATTEST:

John S. Pollock
Executive Director

Gerald L. Vap
//s// Gerald L. Vap