

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1649
of AmeriStar Tours, LLC,)
Scottsbluff, seeking to acquire,)
through transfer, the authority) GRANTED AND CERTIFICATE
granted to Donald D. Reichert dba) B-1308 REVOKED
Good Tyme Charter, Scottsbluff,)
in Certificate B-1308.)
ENTERED: JULY 27, 2004

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed May 17, 2004, AmeriStar Tours, LLC, Scottsbluff, seeks to acquire, through transfer, the operating rights granted to Donald D. Reichert dba Good Tyme Charter, Scottsbluff, in Certificate B-1308.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on May 28, 2004, pursuant to the rules of the Commission.

Because no protests were filed, Application B-1649, 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 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-1308 is not dormant.
4. A certificate should be issued in Application B-1649 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers and their baggage by bus in charter and special party operations between points in Nebraska over irregular routes.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1649 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 AmeriStar Tours, LLC, Scottsbluff, Nebraska, in Application B-1649 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-1308, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1649.

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 27th day of July, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




//s// Rod Johnson


Vice Chairman

ATTEST:


Executive Director