

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application	) APPLICATION NO. B-1657
of Lawrence Enterprises, Omaha,	)
seeking to acquire, through	)
transfer, the authority granted	) GRANTED AND CERTIFICATE
to LS Enterprises dba Ollie	) B-1639 REVOKED
the Trollie, in Certificate	)
B-1639.	) ENTERED: APRIL 19, 2005

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed October 20, 2004, Lawrence Enterprises, Omaha, hereinafter referred to as applicant, seeks to acquire, through transfer, the authority granted to LS Enterprises dba Ollie the Trollie, in Certificate B-1639.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on November 10, 2004, pursuant to the rules of the Commission.

Because no protests were filed, Application B-1657 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, and to conform to the provisions of Neb. Rev. Stat., sections 75-301 to 75-322.04, (Reissue 2003), and the requirements, rules and regulations of the Commission thereunder.
2. The proposed intrastate service will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application B-1639 is not dormant.
4. A certificate should be issued in Application B-1657 authorizing the following operations:

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CERTIFICATE 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: 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-1657 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 Lawrence Enterprises, Omaha, Nebraska, in Application B-1657 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-1639, shall be revoked and canceled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B1657.

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 2003), 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.

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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 19<sup>th</sup> day of April, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Ann C. Boyle*

*Frank E. Landis*

//s// Frank E. Landis

//s// Gerald L. Vap

Chairman

*Gerald L. Vap*

ATTEST:

*And S. Pollak*

Executive Director

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*Wm. H. ...*