

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application	)	APPLICATION NO. B-1661
of Heartland Gondolas, Inc.,	)	
Omaha, seeking authority as a	)	
common carrier in open class	)	
service over irregular routes in	)	
the transportation of passengers	)	
and their baggage between points	)	GRANTED AS AMENDED
in the city of Omaha using	)	
vintage and replica antique	)	
automobiles. RESTRICTION: The	)	
transportation of railroad train	)	
crews and their baggage is not	)	ENTERED: JANUARY 11, 2006
authorized.	)	

### OPINION AND FINDINGS

By application filed February 24, 2005, Heartland Gondolas, Inc., Omaha, hereinafter referred to as applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicles as follows:

### AUTHORITY SOUGHT

Transportation of passengers and their baggage in open class service over irregular routes between points in the city of Omaha using vintage and replica antique automobiles. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Timely protests to the granting of this application were filed on April 28, 2005, by VIP Limousine, LLC, A-1 Limousine, LLC, and A-1 Special Services, and A & R Klassic Kars Limousine, LLC, Omaha. On June 15, 2005, A & R Klassic Kars Limousines, LLC, Omaha, withdrew its protest, and on September 13, 2005, VIP Limousine, LLC, A-1 Limousine, LLC, and A-1 Special Services withdrew its protest. Application No. B-1661 was then 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:

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1. Applicant is fit, willing, and able properly to perform the service proposed 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 is or will be required by the present or future public convenience and necessity to the following extent:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED: COMMON: Transportation of passengers in open class service over irregular routes between points in the city of Omaha using non-stretch sedans of model year 1970 or older, or replicas thereof. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. No airport transport authorized. Service area not to exceed 20<sup>th</sup> Street on the west, Missouri River on the east, Nicholas Street on the north, and Pacific Street on the south.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1661, 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 Heartland Gondolas, Inc., Omaha, Nebraska, in Application No. B-1661 authorizing the operations set forth in the foregoing findings.

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), 75-207 (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 the operations until a Certificate of Public Convenience and Necessity is issued.

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IT IS FURTHER ORDERED that applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity authorized 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 11<sup>th</sup> day of January, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lowell C. Johnson*  
*Frank E. Landis*  
*ROD JOHNSON*

//s// Lowell C. Johnson  
//s// Frank E. Landis

*Lowell C. Johnson*  
Chairman  
ATTEST: *Ad S. Pollock*  
Executive Director