

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Kevin M.) Application No. B-1695
Jones, d/b/a Jone-Z Party Bus,)
Omaha.) CERTIFICATE REVOKED
)
) Entered: December 20, 2016

BY THE COMMISSION:

On September 18, 2015, Kevin M. Jones, d/b/a Jone-Z Party Bus ("Jone-Z Party Bus"), Omaha, filed an application to suspend its Certificate of Public Convenience and Necessity issued in Application No. B-1695 until September 21, 2016. The request was granted on September 22, 2015. Its insurance policy cancelled on October 7, 2015. On September 28, 2016, the Commission attempted to contact Mr. Jones by telephone and letter to inform him of the requirements regarding the reactivation of his Certificate. Jone-Z Party Bus did not respond.

On November 1, 2016, the Commission ordered Mr. Jones to show cause as to why his Certificate of Public Convenience and Necessity issued under Application No. B-1695 should not be revoked for failure to keep a current Form E insurance filing on file with the Commission.

On November 29, 2016, a show cause hearing was held in the Commission Hearing Room in Lincoln, Nebraska. Ms. Jamie Reyes appeared on behalf of Commission staff. No appearance was made on behalf of Mr. Jones and Jone-Z Party Bus. Exhibits 1 through 6 were received into evidence.

E V I D E N C E

Ms. Reyes stated that Jone-Z Party Bus was granted a suspension of their Certificate in 2015, and the carrier's insurance was cancelled October 7, 2015. Ms. Reyes stated that Commission staff have attempted to contact the carrier but have been unsuccessful. Additionally, Ms. Reyes stated that Commission staff believe that the carrier is no longer in business, as its Facebook page notes that the operation is permanently closed.

Upon questioning from Commissioner Schram regarding any returned mail correspondence, Ms. Reyes stated that no written correspondence has been returned as undeliverable but that telephone calls have not received a response. Ms. Reyes recommended that, since the carrier did not take any affirmative

steps to cancel its certificate nor bring its certificate into compliance, the certificate should be revoked.

O P I N I O N A N D F I N D I N G S

Jone-Z Party Bus is a common carrier regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. seq. and 75-301 et. seq. (2016 Cum.Supp.), and Title 291, Chapter 3 of Commission Rules and Regulations.

NEB. REV. STAT. § 75-315 states that certificates may be revoked after notice and hearing for willful failure to comply with Nebraska statutes governing the Commission, any Commission rule or regulation, or any term, condition, or limitation of the certificate. Section 75-307(1) requires certificated carriers to comply with Commission rules regarding insurance and file those policies with the Commission. Commission Rule 006 sets forth the minimum insurance requirements for motor carriers transporting passengers for a fee in the state.

Evidence entered into the record shows that Jone-Z Party Bus's insurance was cancelled October 7, 2015, as shown by the Form K Uniform Cancellation of Motor Carrier Insurance Policies entered into the record as Exhibit 5. Jone-Z Party Bus failed to update its insurance information after its suspension ended in September 2016, and has not attempted to contact Commission staff after staff made numerous attempts to contact the carrier. No representative for Jone-Z Party Bus appeared at the hearing to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked. Although the evidence strongly suggests that the carrier is no longer in business, no formal action was taken by the carrier to voluntarily cancel its Certificate with the Commission.

Based on the evidence presented, the Commission finds that the Certificate of Public Convenience and Necessity issued to Kevin M. Jones, d/b/a Jone-Z Party Bus, Omaha, should be revoked for failure to comply with NEB. REV. STAT. § 75-307(1) and Commission Rule 006.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity issued in Application No. B-1695 to Kevin M. Jones, d/b/a Jone-Z Party Bus, Omaha, be, and is hereby revoked.

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Application No. B-1695

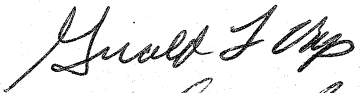
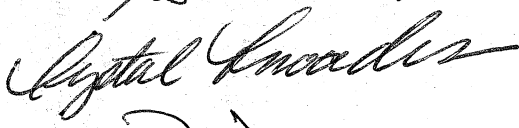

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IT IS FURTHER ORDERED that any vehicle places which have been assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 20th day of December, 2016.


NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chairman

ATTEST:


Deputy Director

//s//Frank E. Landis
//s//Tim Schram