

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-1696  
Of Todd Friesen dba Your Limo )  
Service, Grand Island, seeking )  
To acquire, through transfer, ) TEMPORARY AUTHORITY  
the authority as a common ) DENIED  
Carrier in Nebraska intrastate )  
Commerce granted to Central )  
Limousine in Certificate B-1650.) ENTERED: APRIL 10, 2007

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed February 7, 2007 Todd Friesen dba Your Limo Service, Grand island, hereinafter referred to as applicant, seeks approval of the acquisition of the operating rights and authority granted to Central Limousine in Certificate B-1650.

In its application, applicant further requested that this Commission grant temporary approval to the applicant of a lease of the motor carrier properties and the certificate sought to be acquired by it. Notice of such request for temporary operating authority was published in The Daily Record, Omaha, Nebraska, on February 27, 2007, pursuant to the rules and regulations of this Commission. A timely protest to the temporary authority was filed on March 2, 2007, by Prince of the Road through its attorney, John Boehm.

Pursuant to Neb. Rev. State., Section 75-319(1) (2003), this Commission,

[M]ay, in its discretion. . . grant temporary approval for a period not exceeding ninety days, of a lease of the regulated motor carrier properties and of the certificates or permits sought to be acquired to the person filing the application, if it shall appear that failure to grant such temporary approval may result in the destruction of or injury to such regulated motor carrier properties, and certificates or permits sought to be acquired or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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Based upon the foregoing, we conclude that the applicant has not produced sufficient evidence to support a grant for temporary approval. The applicant did not produce evidence showing that a failure of the Commission to grant temporary approval would result in destruction or injury to the regulated motor carrier properties. Moreover, we are of the opinion that the denial of temporary approval will not substantially interfere with the applicant's future usefulness in the performance of adequate and continuous service to the general public. The Commission also has concerns regarding confusion in the evidence as to the entity seeking to operate the certificate. Elements of the entity such as the name that the entity will operate under must be addressed and resolved. Accordingly, temporary approval should be denied.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the application for temporary approval of a lease of the motor carrier properties and the certificate sought to be acquired by Todd Friesen dba Your Limo Service, Grand Island, be, and it is hereby, denied.

MADE AND ENTERED at Lincoln, Nebraska, this 10<sup>th</sup> day of April, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. Vop*

*Anne C. Boyle*

*Tom Schwan*

*Joan Lander*  
Vice Chairman

ATTEST:

*AdS P. Mohr*  
Executive Director

//s//Frank E. Landis