

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1702
of Fremont Cab Services, L.L.C.,)
LLC, seeking to acquire, through)
transfer, the authority granted) GRANTED AND CERTIFICATE
to City Cab, L.L.C., in certificate) B-1586 REVOKED
B-1586.)
ENTERED: OCTOBER 10, 2007

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed June 6, 2007, Fremont Cab Service, LLC, Fremont, hereinafter referred to as applicant, seeks to acquire, through transfer, the authority granted to City Cab, L.L.C., Fremont, in Certificate B-1586.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on June 8, 2007, pursuant to the rules of the Commission.

Two protests were filed, one by R & F Hobbies, Inc., d/b/a Prince of the Road, and the second by Safeway Transportation of Omaha, Nebraska. The filings protested the language of the authority that is being transferred as being vague and impossible to enforce, and requesting that the Commission more specifically define the authority prior to the granting of the transfer.

The protests do not set forth reasons for denial of the transfer as set forth in state statute. Therefore, the Commission will proceed with the transfer to the applicant through modified procedure and the application will be granted.

However, the Commission does agree that the language of the certificate does need to be interpreted to more accurately describe the territory and service authorized. The Commission will order that an interpretation hearing be set to bring clarity to the certificate.

Application B-1702 is therefore 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 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-1613 is not dormant.
4. A certificate should be issued in Application B-1702 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

COMMON: Transportation of passengers and their baggage by taxicab within Fremont and points in the immediate area.

Health and Human Services designation: Yes.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1702 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 Fremont Cab Services, L.L.C., Fremont, Nebraska, in Application B-1702 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-1586, shall be revoked and canceled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1702.

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.

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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.

IT IS FURTHER ORDERED that a hearing for an interpretation of the Certificate of Public Convenience and Necessity shall be held at Lincoln, Nebraska, on November 7, 2007, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of October, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Voss

Aune C. Boyle

Tim Schram

//s// Rod Johnson

//s// Frank E. Landis

Chairman

Rod Johnson

ATTEST:

John Burvick

Deputy Director