

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1710
of Fugitive Transport Services,)
Norfolk, seeking to acquire,)
through transfer, the authority) GRANTED AS AMENDED
granted to Guard-Rite Security) AND CERTIFICATE B-1535
Services, Norfolk, in Certificate) REVOKED
B-1535.)
) ENTERED: JUNE 17, 2008

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed October 2, 2007, Fugitive Transport Services, Norfolk, hereinafter referred to as applicant, seeks to acquire, through transfer, the authority granted to Guard-Rite Security Services, Norfolk, in Certificate B-1535.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on November 2, 2007, pursuant to the rules of the Commission.

On November 6, 2007, a protest was filed by Prince of the Road through its attorney, John Boehm. On November 13, 2007, a protest was filed by Midwest Special Services through its attorney, Jack Shultz. On April 22, 2008, a restrictive amendment was filed by the applicant. On May 29, 2008, the protest filed by Prince of the Road was withdrawn. On June 6, 2008, the protest filed by Midwest Special Services was withdrawn.

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-1535 not dormant.

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4. A certificate should be issued in Application B-1710 authorizing the following operations:

CERTIFICATE AUTHORIZED

Transportation of prisoners by sedan or passenger vans between points in Nebraska over irregular routes.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1710 be, and it is hereby, granted as amended; 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 Fugitive Transport Services, Inc., Norfolk, Nebraska, in Application B-1710 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-1535, shall be revoked and canceled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1710.

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.

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.

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MADE AND ENTERED at Lincoln, Nebraska, this 17th day of June, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION


COMMISSIONERS CONCURRING:

//s// Anne C Boyle
//s// Frank E. Landis


Chair

ATTEST:


Executive Director