

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1738
of Panda Transportation, Inc.,) SUPPLEMENT 1
dba Panda Transportation,)
Valentine, seeking authority as)
a common carrier in Nebraska)
intrastate commerce in the)
transportation of passengers)
between points in Nebraska,)
including the transportation of)
Health and Human Services) GRANTED AS AMENDED
clients and prisoners in open)
class service by van between)
points in Sheridan, Cherry, Keya)
Paha, Brown, and Rock counties,)
on the one hand, and, on the)
other hand, points in Nebraska)
over irregular routes. Seeking)
to add sedans and SUVs for)
transportation. RESTRICTION:)
Service for trips originating in)
Adams and Hall counties is not) ENTERED: JULY 10, 2012
authorized. The transportation)
of railroad train crews and)
their baggage is not authorized.)
HHS Designation: Yes.)

OPINION AND FINDINGS

By application filed February 8, 2012, Panda Transportation, Inc., dba Panda Transportation, Valentine, 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 between points in Nebraska, including the transportation of Health and Human Services clients and prisoners in open class service by van between points in Sheridan, Cherry, Keya Paha, Brown, and Rock counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. Seeking to add sedans and SUVs for transportation. RESTRICTIONS: Service for trips originating in Adams and Hall counties is not authorized. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

A timely protest to the granting of this application was filed on March 19, 2012, by Fairbury Taxi, LLC. On July 2, 2012, a restrictive amendment was filed to the original application by the Applicant. Fairbury Taxi subsequently withdrew its protest. Application No. B-1738, Supplement 1, 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:

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:

Transportation of passengers between points in Nebraska, including the transportation of Health and Human Services clients and prisoners in open class service by van between points in Sheridan, Cherry, Keya Paha, Brown, and Rock counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. Seeking to add sedans and SUVs for transportation. RESTRICTIONS: Service for trips originating in Adams and Hall counties is not authorized. Service for trips shall be restricted against point to point or originating transportation in Thayer, Saline and Jefferson counties. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

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O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1738, Supplement 1, 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 Panda Transportation, Inc., dba Panda Transportation, Valentine, Nebraska, in Application No. B-1738, Supplement 1, 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 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 the operations until a Certificate of Public Convenience and Necessity is issued.

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 10th day of July, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Aune Boyle

Gerald Z. Vay

//s// Rod Johnson

Chairman

Boel Johnson

ATTEST:

Phil S. Kell
Executive Director