

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Panda)	APPLICATION NO. B-1738
Transportation, Inc., dba Panda)	
Transportation, Valentine,)	
seeking to acquire, through)	TEMPORARY AUTHORITY GRANTED
transfer, the authority granted)	
to Charles A. Ward dba Panda)	
Transportation in Certificate)	ENTERED: APRIL 21, 2009
B-1580.)	

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed March 19, 2009, Panda Transportation, Inc., dba Panda Transportation, Valentine, Nebraska, hereinafter referred to as applicant, seeks approval of the acquisition of the operating rights and authority granted to Charles A. Ward dba Panda Transportation, in Certificate B-1580 which authorizes:

SERVICE AND TERRITORY AUTHORIZED:

COMMON: Transportation of passengers, 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. RESTRICTION: Service for trips originating in Adams and Hall counties is not authorized.

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 authority was published in The Daily Record, Omaha, Nebraska, on April 2, 2009, pursuant to the rules and regulations of this Commission.

It appears that failure to grant temporary approval may result in destruction of or injury to such motor carrier property and the certificate sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

Such temporary approval should be granted for ninety (90) days from the effective date of this Order pursuant to Neb. Rev. Stat. (Reissue 2003), section 75-319.

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O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the application for approval of a lease of the motor carrier properties and the certificate sought to be acquired by Panda Transportation, Inc., dba Panda Transportation, will, and it is hereby, granted to the applicant for ninety (90) days from the effective date of this Order.

IT IS FURTHER ORDERED that transportation service rendered under such temporary authority shall be subject to the provisions of Neb. Rev. Stat. (Reissue 2003), section 75-311, and to the rules, regulations and requirements of the Commission; such grant of temporary authority and the operations thereunder shall not be admissible in evidence to establish or prove present or future public convenience and necessity; and no renewal of extension of the period of ninety (90) days shall be granted.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of April, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Vap

Red Johnson

Anne C. Doyle

Frank E. Landis

//s// Frank E. Landis

Frank E. Landis
Chairman

ATTEST:

Michelle D. X
Executive Director