

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1738
of Panda Transportation, Inc.,)
dba Panda Transportation, seeking)
to acquire, through transfer, the) GRANTED AND CERTIFICATE
authority granted to Charles A.) B-1580 REVOKED
Ward dba Panda Transportation in)
Certificate B-1580.) ENTERED: MAY 19, 2009

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed March 19, 2009, Panda Transportation, Inc., dba Panda Transportation, seeks to acquire, through transfer, the authority granted to Charles A. Ward dba Panda Transportation in Certificate B-1580.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on April 2, 2009, pursuant to the rules of the Commission.

On March 31, 2009, a protest was filed by Prince of the Road through its attorney, John Boehm. The protest was subsequently withdrawn on March 31, 2009. Therefore, Application B-1738 was 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 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-1580 is not dormant.
4. A certificate should be issued in Application B-1738 authorizing the following operations:

CERTIFICATE 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. HHS Designation: RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1738 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 Panda Transportation, Inc., dba Panda Transportation, Valentine, Nebraska, in Application B-1738 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-1580, shall be revoked and canceled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-B-1738.

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 19th day of May, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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MADE AND ENTERED at Lincoln, Nebraska, this 19th day of May, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Vap

Red Johnson

Anne C. Bayle

Tim Schram

//s// Frank E. Landis

David L. Sanders
Chairman

ATTEST:

Phil L. D. H.
Executive Director