

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1744
of Happy Cab Company, seeking)
approval of a contract to) ORDER GRANTING
manage Valor Transportation.) APPROVAL
) OF MANAGEMENT
) CONTRACT
)
) ENTERED: DECEMBER 1, 2009

BY THE COMMISSION:

This matter comes before the Commission upon Applicant's application for approval of a contract to manage the operations of Valor Transportation pending a full hearing on the application or further order of the Commission. The application was published on October 29, 2009. No protests to the application were filed.

By order dated November 24, 2009, the Commission approved the transfer of a certificate of authority from Safeway Transportation LLC d/b/a Safeway Cabs to Valor Transportation Company. During the hearing on the application for Valor Transportation, evidence was adduced with respect to the intent of Valor Transportation Company to contract with the applicant in this matter to manage the operations of Valor Transportation Company d/b/a Safeway Cabs. The applicant is seeking approval of the operating contract.

The Commission, pursuant to §75-318(2) may approve a contract to operate the properties of another certificated carrier if the Commission finds that contractual relationship is consistent with the public interest and does not unduly restrict competition and that the applicant is fit, willing and able to properly perform under the contract.

In this matter, the Commission finds that the applicant, Happy Cab Company, is a current certificated carrier. They have been operating for several years with current management and ownership. The applicant has the requisite expertise and management experience to perform under the contract. The Commission finds that the applicant is fit, willing and able to properly perform under the contract.

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The second part of the test is whether the transaction proposed will be consistent with the public interest. There is precedent for a contract of this type. Happy Cab Company currently is, and has for the past few years, been managing the operations of Cornhusker Cab Company in the Omaha area. This contract appears to create the same contractual relationship between Happy Cab and Valor Transportation. In the transfer hearing, Happy Cab testified that it is prepared and ready to perform management functions for Valor Transportation. One of the owners of Valor Transportation, Valerie Bellino, testified that it was a necessary part of the business plan of Valor Transportation, which intends to operate using independent contractors and owner operators, to retain Happy Cab Company to operate the day-to-day services provided by Valor.

The Commission has found that the transfer of Valor Transportation was in the public interest in its transfer order of November 24, 2009. A significant part of the plan of Valor Transportation was that Happy Cab Company would manage the operations of Valor. The Commission therefore finds that the proposed contract for operating Valor Transportation is in the public interest and should be granted.

Based upon a review of the evidence from the transfer hearing and the application for approval of the operating agreement, and after being duly advised in the premises, the Commission finds that the management contract between Valor Transportation and Happy Cab should be approved.

ORDER

IT IS, THEREFORE, ORDERED BY THE COMMISSION that the management contract between the applicant, Happy Cab Company, and Valor Transportation is hereby approved for the applicant to manage the operations of Valor Transportation Company.

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MADE AND ENTERED at Lincoln, Nebraska, this 1st day of
December, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Heath L. Vop

Frank E. Landis
Chairman

ATTEST:

Dee Johnson
Aune C. Boyle
Tim Schram

Neil S. [Signature]
Executive Director

//s// Frank E. Landis