

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1752
of Custer Care, Broken Bow,)
seeking authority as a common)
carrier in Nebraska intrastate) GRANTED
commerce in the transportation of)
passengers who are clientele of)
Custer Care and their baggage in)
open class service between points) ENTERED: JULY 13, 2010
in Custer, Sherman, Blaine, Logan,)
Valley, Loup, Thomas and Garfield)
counties, on the one hand, and,)
on the other hand, points in)
Nebraska over irregular routes)
under contract with the Nebraska)
Department of Health and Human)
Services. RESTRICTIONS: The)
transportation of railroad train)
crews and their baggage is not)
authorized. Restricted to the)
transportation of the clients of)
Custer Care. HHS Designation:)
Yes.)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed January 27, 2010, Custer Care, Broken Bow, hereinafter referred to as applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicle as follows:

AUTHORITY SOUGHT

Transportation of passengers who are clientele of Custer Care and their baggage in open class service between points in Custer, Sherman, Blaine, Logan, Valley, Loup, Thomas, and Garfield counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. . Restricted to the transportation of the clients of Custer Care. HHS Designation: Yes.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on February 1, 2010, pursuant to the rules of the Commission.

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On February 23, 2010, a protest was filed by Prince of the Road, through its attorney, John Boehm. On April 12, 2010, the protest was withdrawn. Application B-1752 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 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 is or will be required by the following extent:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers who are clientele of Custer Care and their baggage in open class service between points in Custer, Sherman, Blaine, Logan, Valley, Loup, Thomas, and Garfield counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. Restricted to the transportation of the clients of Custer Care. HHS Designation: Yes.

3. The application for authority should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1752 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 Custer Care, Broken Bow, Nebraska, in Application B-1752.

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

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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.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of July, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s// Frank E. Landis

//s// Gerald L. Vap

Chairman



ATTEST:


Executive Director