

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1753
of New Cassel, Inc., Omaha,)
seeking authority as a common)
carrier in Nebraska intrastate) GRANTED
commerce in the transportation of)
passengers who are clients of the)
Franciscan Center, Adult Day Care)
Program, and their baggage by van) ENTERED: APRIL 27, 2010
in open class service between)
points in Douglas, Sarpy, and)
Washington counties, on the one)
hand, and, on the other hand,)
points in Nebraska over irregular)
routes under contract with)
Nebraska 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 Franciscan)
Center, Adult Day Care Program.)

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed January 27, 2010, New Cassel, Inc., Omaha, 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 clients of the Franciscan Center, Adult Day Care Program, and their baggage by van in open class service between points in Douglas, Sarpy, and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes under contract with Nebraska 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 Franciscan Center, Adult Day Care Program.

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

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 On April 12, 2010, the protest was withdrawn.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-1753 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 clients of the Franciscan Center, Adult Day Care Program, and their baggage by van in open class service between points in Douglas, Sarpy, and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes under contract with Nebraska 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 Franciscan Center, Adult Day Care Program.

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-1753 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 New Cassel, Inc., Omaha, Nebraska, in Application B-1753.

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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.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of April, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




//s// Frank E. Landis
//s// Gerald L. Vap

Chairman



ATTEST:


Executive Director