

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. B-1768  
of Rosa's Plaza, Schuyler, seeking )  
authority as a common carrier in )  
Nebraska intrastate commerce in ) GRANTED AS AMENDED  
the transportation of passengers )  
and their baggage by van in open )  
class service between points in )  
Schuyler and a 100 mile radius of ) ENTERED: SEPTEMBER 14, 2010  
Schuyler over irregular routes. )  
HHS Designation: Yes. RESTRICTION: )  
The transportation of railroad )  
train crews and their baggage is )  
not authorized. )

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed May 19, 2010, Rosa's Plaza, Schuyler, 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 and their baggage by van in open class service between points in Schuyler and a 100 mile radius of Schuyler over irregular routes. HHS Designation: Yes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on June 3, 2010, pursuant to the rules of the Commission.

On June 3, 2010, a protest was filed by Prince of the Road, through its attorney, John Boehm. On July 28, 2010, a restrictive amendment was filed by the applicant. The restrictions were that the HHS designation was removed, and no more than three vehicles would be allowed. On August 2, 2010, the protest was withdrawn. Application B-1768 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:

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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 and their baggage by van in open class service between points in Schuyler and a 100 mile radius of Schuyler over irregular routes. HHS Designation: No. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. No more than three vehicles are authorized.

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-1768 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 Rosa's Plaza, Schuyler, Nebraska, in Application B-1768.

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.

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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 14<sup>th</sup> day of September, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  


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

Chairman   
ATTEST:   
Executive Director

