

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) APPLICATION NO. B-1798  
Triumph Transportation dba Prince )  
of the Road, Inc., Kearney, seeking)  
to acquire, through transfer, the ) GRANTED AND CERTIFICATE  
authority granted to R&R Hobbies, ) B-1441, SUPPLEMENT 2,  
Inc., dba Prince of the Road, ) REVOKED  
Kearney, in Certificate B-1441, )  
Supplement 2. ) ENTERED: JULY 12, 2011

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed May 16, 2011, Triumph Transportation dba Prince of the Road, Kearney, seeks to acquire, through transfer, the operating rights granted to R&F Hobbies, Inc., dba Prince of the Road, Kearney, in Certificate B-1441, Supplement 2.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on May 19, 2011, pursuant to the rules of the Commission.

Because no protests were filed, Application B-1441, Supplement 2, 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 extended service.
2. The proposed transfer of operating rights will be consistent with the public interest and will not unduly restrict competition.
3. The certificate issued in Application B-1441, Supplement 2, is not dormant.
4. A certificate should be issued in Application B-1798 authorizing the following operations:

CERTIFICATE AUTHORIZED

COMMON: Transportation of passengers and their baggage in open class service by passenger van, handicapped equipped passenger and cutaway vans, sport utility vehicles and sedans between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. The transportation of passengers and their baggage point-to-point in Lancaster County is not authorized. The transportation services of passengers and their baggage originating within Lancaster County is not authorized, except for a continuation of a trip originating outside Lancaster County and shown on the same billing document as a continuation of the originating trip. The transportation services of passengers and their baggage by sedan

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originating from or point-to-point within any territory where a taxicab company holds a certificate of permit is not authorized. RESERVATION: The Commission expressly reserves the right to further restrict this authority with respect to the use of sedans, on its own motion or the motion of another, in the event that a carrier, which meets all of the requirements of Article 75, Chapter 3, of the Nebraska Revised Statutes and all applicable Commission rules and regulations thereunder, offers taxi services in territories unserved as of November 26, 2002.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1798, 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 Triumph Transportation dba Prince of the Road, Kearney, Nebraska, 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-1441, Supplement 2, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1798.

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 12<sup>th</sup> day of July, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Red Johnson*  
*Anne Boyle*  
*Gerald L. Vep*

*Tim Schram*  
Chairman

ATTEST:

*Mike S. 1/20*  
Executive Director

//s//Frank E. Landis  
//s//Tim Schram