

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. B-1800  
of Capeace, Inc., dba Commuter )  
Express, Omaha, seeking to )  
acquire, through transfer, the ) GRANTED AND CERTIFICATE  
authority granted to Hope ) B-1557 REVOKED  
Transportation, Inc., in )  
Certificate B-1557. )  
ENTERED: NOVEMBER 2, 2011

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed June 9, 2011, Capeace, Inc., dba Commuter Express, Omaha, seeks to acquire, through transfer, the operating rights granted to Hope Transportation, Inc., Omaha, in Certificate B-1557.

Notice of the application was published in the Daily Record, Omaha, Nebraska, on June 13, 2011, pursuant to the rules of the Commission.

On June 23, 2011, a protest was filed by SMC Shared Mobility Coach, Omaha; on July 7, 2011, by Prince of the Road and the Omaha cab companies through their attorney, Andy Pollock. On August 8, 2011, the protest of SMC Shared Mobility was withdrawn. A settlement was reached between the remaining parties of record on October 18, 2011. Application B-1800 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 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-1557 is not dormant.
4. A certificate should be issued in Application B-1800 authorizing the following operations:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

COMMON: Transportation of passengers in open class service by passenger van between points in Douglas, Sarpy and Washington counties, including the transportation of clients of the Nebraska Department of Health and Human Services (DHHS), services under; contract with DSSH, and other similar state and federal agencies. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. RESTRICTION: The transportation of

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passengers requiring vehicles that are specially equipped to accommodate wheelchairs is not authorized until July 1, 2013, and such restriction under this item shall automatically become void on said date without further action. RESTRICTION: The transportation of passengers to or from Eppley Airfield is not authorized until July 1, 2013 and such restriction under this item shall automatically become void on said date without further action.

SUPPLEMENT 1: Transportation of passengers and their baggage in open class service between points in Cass and Otoe counties and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes, to include the transportation of Health and Human Services clients and their subcontractors thereof. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. RESTRICTION: The transportation of passengers requiring vehicles that are specially equipped to accommodate wheelchairs is not authorized until July 1, 2013, and such restriction under this item shall automatically become void on said date without further action. RESTRICTION: The transportation of passengers to or from Eppley Airfield is not authorized until July 1, 2013 and such restriction under this item shall automatically become void on said date without further action.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1800, 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 Capeace, Inc., dba Commuter Express, Omaha, Nebraska, in Application B-1800, 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-1557, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1800.

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 1996), 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.

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MADE AND ENTERED at Lincoln, Nebraska, this 2<sup>nd</sup> day of November, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Paul Johnson*  
*Anne Boyle*  
*Gerald T. Kay*

//s// Frank Landis  
//s// Tim Schram

*Tim Schram*  
Chairman

ATTEST:

*Michael J. [Signature]*  
Executive Director

