

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Capeace, Inc., ) APPLICATION NO. B-1800  
dba Commuter Express, Omaha, )  
seeking to acquire, through )  
transfer, the authority granted ) TEMPORARY AUTHORITY GRANTED  
to Hope Transportation, Inc., )  
Omaha, in Certificate B-1557. )  
) ENTERED: JUNE 21, 2011

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed June 9, 2011, Capeace, Inc., dba Commuter Express, Omaha, Nebraska, hereinafter referred to as applicant, seeks approval of the acquisition of the operating rights and authority granted to Hope Transportation, Inc., Omaha, in Certificate B-1557 which authorizes:

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 DHHS, and other similar state and federal agencies. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized.

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.

In its application, applicant further requested that this Commission grant temporary approval to the applicant of a lease of the motor carrier properties and the certificate sought to be acquired by it. Notice of such request for temporary authority was published in The Daily Record, Omaha, Nebraska, on June 13, 2011, pursuant to the rules and regulations of this Commission.

It appears that failure to grant temporary approval may result in destruction of or injury to such motor carrier property and the certificate sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

APPLICATION NO. B-1800

PAGE 2

Such temporary approval should be granted for ninety (90) days from the effective date of this Order pursuant to Neb. Rev. Stat. (Reissue 2003), section 75-319.

O R D E R

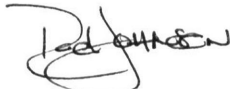


IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the application for approval of a lease of the motor carrier properties and the certificate sought to be acquired by Capeace, Inc., dba Commuter Express, will, and it is hereby, granted to the applicant for ninety (90) days from the effective date of this Order.

IT IS FURTHER ORDERED that transportation service rendered under such temporary authority shall be subject to the provisions of Neb. Rev. Stat. (Reissue 2003), section 75-311, and to the rules, regulations and requirements of the Commission; such grant of temporary authority and the operations thereunder shall not be admissible in evidence to establish or prove present or future public convenience and necessity; and no renewal of extension of the period of ninety (90) days shall be granted.

MADE AND ENTERED at Lincoln, Nebraska, this 21<sup>st</sup> day of June, 2011.


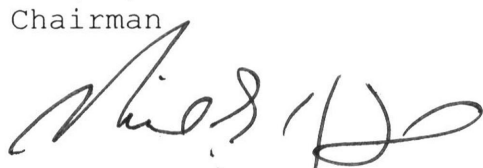
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

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

ATTEST:

  
 Chairman  
  
 Executive Director