

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Grand Island) APPLICATION NO. B-1810
Party Bus (GIPB), Grand Island,)
seeking authority as a common)
carrier in Nebraska intrastate)
commerce in the transportation)
of passengers by bus in charter)
and special party between points) GRANTED AS MODIFIED
in Hall County, on the one hand,)
and, on the other hand, points)
in Nebraska over irregular)
routes. RESTRICTIONS: The)
transportation of railroad train)
crews and their baggage is not)
authorized. HHS Designation:)
No.) ENTERED: NOVEMBER 19, 2012

APPEARANCES

For the Applicant:

Ralph Bradley
Attorney-at-Law
P.O. Box 639
Grand Island, Nebraska 68802

For the Commission Staff:

Mark Breiner
300 The Atrium
1200 N Street
PO Box 94927
Lincoln, Nebraska 68509

BY THE COMMISSION:

BACKGROUND

By application published on March 3, 2012, Grand Island Party Bus (hereinafter "GIPB"), Grand Island, Nebraska, seeks authority from the Public Service Commission ("PSC" or "Commission") to operate as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in Hall County, and between points in Hall County on the one hand and, on the other hand, points in Nebraska over irregular routes. The transportation of railroad train crews and their baggage is not authorized, and the HHS Designation is No.

Notice of the application was published in The Daily Record, Omaha, Nebraska on March 19, 2012. Protests were timely

APPLICATION NO. B-1810

PAGE 2

filed by TAA, LLC, Grand Island; and by Trease Enterprises, Inc., and Dwaine and Deborah Trease, d/b/a Special Moments Limousine, Clearwater.

A Planning Conference was conducted by the Commission, with all parties participating, on June 8, 2012, and a Planning Conference Order was entered June 19, 2012. The Planning Conference Order scheduled the hearing date, discovery and other deadlines.

A hearing on the application was held on September 26, 2012, with appearances as listed above. Notice of the hearing was sent to all parties of record on June 19, 2012.

APPLICANT'S EVIDENCE

Lindsey Harring testified first for the Applicant. She is the Co-applicant with her husband Travis Harring, and is one of the owners of the bus to be used in the proposed operation. She is a self-employed daycare owner and has been in that capacity for nine years. She and her husband Travis have been residents of Grand Island for the past fifteen years. Ms. Harring said that neither she nor her husband had any criminal or traffic violations.

The Harrings are also participants with the Hall County court system in the transportation of children in foster care. Ms. Harring has been informed that the certificate from the Commission is required in the transportation of these children.

The bus was originally bought to be used in the daycare center, and the use in other areas only arose later. The Harrings had been using the bus in operations prior to February of 2012, when they were notified by the Transportation Department of the Nebraska Public Service Commission that they needed Commission authority to operate the bus in general commerce.

Ms. Harring said that since that notification, they have complied with Commission rules regarding transportation of passengers. The Harrings have provided transportation but only as free trips considered as public relations or gifts to a wedding party. Since February of 2012, Ms. Harring said that they have performed three to four parties per month. According to Ms. Harring, they have been contacted by several bars to

provide service at closing time to take their patrons home or for special parties.

The Harrings plan to offer the service primarily on weekends as Mr. Harring has a full-time job and Ms. Harring is overseeing eight children in her home. Mr. Harring possesses a CDL license and will be driving bus.

The Applicant has received numerous requests for service since February of 2012, estimating the number at over one hundred. These people have told her that they would use the proposed service. Ms. Harring also noted that Grand Island has grown considerably over the past ten years, and that it is her belief that the best interests of the public would be served by the granting of the application.

Ms. Harring noted that the staff of the Commission has been very helpful and informative with issues such as insurance. She stated that she has been in contact with an insurance company and has made arrangements to have insurance in place, and also is aware that she needs to have rates approved by the Commission before the proposed service can begin operations.

Ms. Harring testified that her participation in the foster care program on a state wide basis is also a reason that the application was filed. The Harrings participate in conferences around Nebraska, and have been informed that they need to secure authority from the Commission to conduct at least part of the transportation for these conferences. She has been a foster care provider for five years. The state of Nebraska approves all foster care providers, so the Harrings have passed the checks necessary to become such a provider.

Ms. Harring said that the need for the proposed service is for not only Grand Island but also for central Nebraska as a whole. She said they did not necessarily plan to offer the proposed service, but that the number of calls that they received convinced them that they should proceed.

On examination by Commissioner Landis, Ms. Harring said that neither her husband, the company nor the driver will accept any payment for the trip, including any tips that may be offered. On examination by Commissioner Boyle, Ms. Harring said that the bus is a fourteen passenger cutaway van that they have converted for use by their company. She stated that they currently have four children as foster children and guardianship

APPLICATION NO. B-1810

PAGE 4

of four more in addition to their own child. The licensed daycare service that she runs currently has fourteen children placed in addition to those children listed above. Ms. Harring said that she and her husband will be able to operate the business as well as maintain their foster child relationships and their daycare center.

Ms. Harring said that some Grand Island bars have contacted her about providing service to drive customers home from their establishments. She said she was not aware of any taxi services in town that provide such a service.

On examination by Commissioner Schram, Ms. Harring stated that the bus is a 1999 Chevy cutaway that was a handicapped bus but has been transformed. The bus is serviced and inspected at Jiffy Lube about four times per year. She also stated that they have pursued insurance through State Farm and that they are not currently receiving compensation for the transportation of their foster children.

Commissioner Landis inquired as to the service that they were being asked to perform for the bars in Grand Island. Ms. Harring said that they would take people out for two or three hours to various locations and then take them back to another location at the end of the night.

On examination by Commission staff, Ms. Harring stated that she had referenced a trip that was monitored by Commission Investigator Greg Rocke. She said that no violations were found during this trip as Investigator Rocke was told that there was no charge for the trip. When asked why they would inform people that there was a \$60.00 per hour charge, she said that they wanted people to know that they would, when they received authority from the Commission, charge for the service. She said that they were not going to retroactively charge anyone for the services they have performed. She also said she was not aware of a possible upcoming trip that may be performed the weekend and that her husband Travis may know about that trip. She also said that they have done no active advertising in the Grand Island area, but have received word of mouth advertising from the services that they have performed so far.

Travis Harring was called next by the Applicant. Mr. Harring is Lindsey Harring's husband and is the driver of the bus. He possesses a CDL license for his regular employment at Heartland Disposal, and has possessed one for thirteen years.

APPLICATION NO. B-1810

PAGE 5

He does not have a serious criminal background or any traffic violations.

Mr. Harring said that they have provided services for bachelorette parties and weddings as well as trips for foster children. He further said that he has not been reimbursed for any of the services they have provided. This includes no reimbursement for mileage or other expenses or the receipt of tips.

Mr. Harring said that he has received an inquiry for a trip the upcoming Friday night. He said that they were not going to charge this customer anything for the trip. The charge they are planning to make for a trip of this type is \$60.00 per hour. When asked by Mr. Bradley as to why they would bring up a charge for the service, Mr. Harring said they primarily do that so as to keep the trip from going "all night" if the customer thinks that the trip is free.

Mr. Harring stated that they have received "several hundred" inquiries without advertising other than word of mouth. He believes that there is a real need for the service that they are proposing to offer.

On examination by Commissioners, Mr. Harring said that they do not plan to hire additional drivers as the intention is to only offer the service on weekends when Mr. Harring is able to drive. He also said that they have not received calls for trips that would originate outside of Hall County.

On examination by Commission staff, Mr. Harring said that the trip for the upcoming weekend was quoted a price of \$60.00 per hour. The person was not told that the trip would be done for free, but was to be so informed at the end of the trip.

Steve Loeffelbein testified next for the Applicant. Mr. Loeffelbein owns the Night Crawlers Bar in Worms, Nebraska. He is in support of the Applicants. His bar receives numerous visits from buses from the Grand Island area as his is the only bar open until 2 a.m. He believes that the population of the Grand Island area has grown sufficiently to use the proposed service of the Applicant. He said that he may not use the service, but that he would recommend the service to his patrons.

On examination by Commissioner Landis, Mr. Loeffelbein said that he is not aware of anyone who has been unable to get a bus

APPLICATION NO. B-1810

PAGE 6

to take them to his establishment. He said that, while the current providers such as B.I.G. Limos do a great job, with the size of the community "what would it hurt to have another public service?" Mr. Loeffelbein did mention that on New Year's Eve last year he had six limos outside of his establishment, and that if there could have been one more present that would have been great.

On questioning by Commissioner Schram, Mr. Loefflebein said that he has not used or seen the Applicant's service at his bar. He also said that he would recommend their service.

Cortney Holbert testified next for the Applicant. Ms. Holbert has known that Applicants for about five years. She was told the bus was initially for their foster children but then she heard about them taking people out for trips. The Harrings provided the bus for parties related to Ms. Holbert's wedding and also were taken to Shelton and to the wedding reception in the bus. She said that the Harrings were deserving people as they do not have a criminal history, are good foster parents and have the support to take care of all of their obligations. Travis is home during the day after his work to help out with the children in the home, and has sufficient rest time to operate the bus on the weekends only as is currently planned.

Ms. Holbert told the Commission about a fundraiser that the Harrings held for a local Grand Island woman. They put a large pink ribbon on the outside of the bus, drove people down to Wood River and back, and asked for tips to be applied to the woman to help her pay her bills.

Myron Harring testified for the Applicants. Mr. Harring said that he believes that it is in the best interests of the public that the service be granted. He also believes that the Harrings have the wherewithal and the integrity to fulfill the obligations of the Commission.

On examination by Commission staff, Mr. Harring acknowledged that Travis Harring is his brother. He also acknowledged that he was aware of other bus companies in Grand Island.

Shawn Thoene testified on behalf of the Applicant. Upon questioning by Mr. Bradley, Mr. Thoene said that he is supportive of the Application of the Harrings, that he is familiar with other bus services in Grand Island, and that he

feels there is a need for the additional service proposed to be offered by the Applicant. On cross-examination by Commission staff, Mr. Thoene admitted that he had never attempted to contract with a bus company but was unable to have his request met.

Dwayne Terry testified next for the Applicant. Mr. Terry stated that he is a resident of Grand Island, that he is in support of the Harrings' application, and that it is in the interest of the public to have the permit issued to them. He said that he is aware of other services available, but that the increase in the number of people that reside in the Grand Island area makes this service necessary.

Mr. Terry, on cross-examination by Commission staff, said that he has not had a circumstance where he tried to hire a bus but was not able to. He does have friends that go out on Thursday nights and that it is nice to have a person that will provide transportation in those circumstances.

On examination by Commissioner Boyle, Mr. Thoene reiterated that he has not had a circumstance that he wanted to contract with a company for transportation but was not able to do so. She also pointed out that the Harrings' application as proposed would not help him out on Thursday nights.

Gilbert Wilson testified next for the Applicant. Mr. Wilson has known the Applicants for over ten years. He states that the Harrings conduct their lives in a right and responsible way. Their involvement with foster children and other things they are involved in shows their character and integrity. He also believes that the public has a need for the service proposed by the Harrings. He said he is aware of only one other service in the area. He was not aware that Special Moments Limousine also operated a bus in the Grand Island area.

Ray Galusha testified for the Applicant. Mr. Galusha said that a service such as that offered by the Applicants is needed in Grand Island as some people want a smaller bus rather than the bigger buses. He said that he would use the service if approved by the Commission. Mr. Galusha said further that he had tried to contract with a bus company for his brother-in-law's wedding.

On examination by Commissioner Boyle, Mr. Galusha said that the other buses in the area are all much bigger than that of the

APPLICATION NO. B-1810

PAGE 8

Applicant, and that the bigger bus could be a waste of fuel for parties that may only be in the five or six person range. On re-direct by Mr. Bradley, Mr. Galusha said that he feels that the Applicant will be filling a niche that is currently not being filled by the current certificated carriers.

Robert Harrison was called by Commission staff. Investigator Harrison is a State Deputy Sheriff and is an investigator with the Commission. His job duties revolve around the enforcement of regulations and statutes of the Commission and perform law enforcement activities.

Investigator Harrison talked with an individual named Sasha regarding the availability of bus services in the Grand Island area. She gave the name Todd Carpenter first, and then gave him the name of Travis, who had a smaller bus that was much cheaper than Mr. Carpenter. Investigator Harrison gave the phone number provided by Sasha and talked to a person who identified himself as Travis. Investigator Harrison asked if the bus was available the weekend of September 21 and was told that he (Travis) would need to check on its availability. Investigator Harrison was also informed that the ride would cost \$60 per hour. "Travis" eventually notified Investigator Harrison that he was booked with runs on both September 21 and 22, but that he was available the next Saturday night. "Travis" agreed to pick up the party discussed with Investigator Harrison at the Texas Roadhouse. There was a verbal contract for the transportation, and no deposit was paid nor any payment made for the future service.

Exhibit 4, notes taken by Investigator Harrison during his conversations with Sasha were offered into evidence by Commission staff, but were not accepted into evidence by the Hearing Officer.

On cross-examination by Mr. Bradley, Investigator Harrison said that he was in Grand Island investigating illegal movers when he inquired about bus services at the Bandits. Mr. Bradley made reference to one of the owners of Bandits Bar, who was allegedly Andrew Meier, also a co-owner of one of the Protestants. Investigator Harrison also stated that this is the only investigation that he was involved in, and that the demand for \$60 per hour made in the proposed trip with the Applicant could be seen as a violation of §75-126 by demanding a rate that has not been approved by the Commission.

On examination by Commissioner Boyle, Investigator Harrison said that he had not talked to any protestant regarding this trip, but had talked to them over the previous few months regarding allegations that the Applicant was operating the bus. Investigator Harrison also noted that Investigator Rocke was involved in the other investigation mentioned earlier by the Applicant. There was no mention of how long the proposed trip was to be nor discussion about ending times for the trip. The only discussion regarding the trip involved the date, starting time and place, and that there would be a charge of \$60 per hour.

On examination by Commissioner Landis, Investigator Harrison noted that it is common for him to talk with and receive information about the industry. He mentioned that the industry is the best source of information on activities in the state as the Commission has only two investigators to cover the entire state. The filing of an application does not change this contact as the Commission still has a duty to investigate allegations of illegal activities.

On examination by Commission staff, Investigator Harrison said that it is routine for the Commission to receive reports on alleged illegal activity from current carriers. He also said that the contacts are limited to the complaints and do not address the merits or standing of any application currently being adjudicated. It is also common practice that the results of investigations are not shared with anyone who is not directly involved in the investigation.

Protestants Comments

Mr. Alan Usher testified before the Commission. Mr. Usher stated that he did not believe that the Applicant had proven need in its application. None of the witnesses have called him for service and not been able to receive service. His service offers 14 passenger vehicles up to 28 passenger vehicles. He also has an objection to the fitness of the Applicant. Mr. Usher argued that it is common sense the Applicants have been operating illegally for the past six months, and that no one would perform these services for this period of time for free. His drivers have also noticed that the Applicant's bus is on the roads frequently. He also noted a possible insurance issue related to the operations of the vehicle commercially if that is the case. He claims that he showed Investigator Harrison copies of photos showing that the bus was in use and overcrowded and of

APPLICATION NO. B-1810

PAGE 10

alcohol being on the bus. He does not believe that it is in the best interest for the Commission to grant this authority.

On examination by Commissioner Landis, Mr. Usher said that he did have one instance when a client called and he did not have an available vehicle. On examination by Commissioner Boyle, Mr. Usher stated that his company charges \$250 per hour for the first two hours, and then \$100 per hour after that.

On cross-examination by Mr. Bradley, Mr. Usher said that he showed the photographs to Investigator Harrison two or three months ago, and has spoken with him in the phone several times over the past few months, including the last two weeks. He denied that either he or a former partner of his named Andrew Meier had any financial or other interests in Bandits Bar.

Dwaine Trease testified next. He is the owner, with his wife Deb, of Special Moments Limousine Services. They have been in business for nineteen years and operate seven limousines and one thirty-passenger bus. Three of their vehicles have a capacity of fourteen or more, which is the approximate size of the Applicant's vehicle. Mr. Trease expressed a concern as to the insurance issue involving the Applicant's bus. He stated that the Applicant's may have insurance that is inadequate to cover a large claim if they were involved in an accident. He also had an issue regarding their ability to run the bus as many times as they may have without charging for the service. He has difficulty believing that they have been doing these services at no charge. Mr. Trease also noted that none of the witnesses for the Applicant had contacted either his business or the other Grand Island centered bus looking for service. There is no verification that the Applicant has received the number of calls that they claim to have received.

On examination by Commissioner Boyle, Mr. Trease noted that the thirty passenger bus they his service has a charge of \$375 per hour with a two hour minimum, with a mileage charge of \$2.00 per empty mile. Mr. Trease also has limousines in the fourteen passenger capacity (\$130/hour), fifteen passenger capacity (\$160/hour) and twenty passenger capacity (\$250/hour).

On examination by Commissioner Landis, Mr. Trease noted that his annual premiums run around \$9,000 per year. Mr. Trease said that he was initially given a quote of \$4,000 for insurance for the bus, but that the premium ended up being \$10,000 until he found another carrier that would insure the entire fleet for

\$9,000. Mr. Trease also informed the Commission that they have availability to provide service with their similar sized vehicles pretty much at any time other than prom season, and they have not turned down a request for their fourteen passenger vehicle at any time this year. Mr. Trease said that his revenues dropped over \$12,000 for 2011 compared to 2012, and that it appears that his revenue will be down an additional \$10,000 in 2012.

Recall of Lindsey Harring

Lindsey Harring was recalled. Commissioner Boyle asked her if their charge was going to be \$60 per hour. Ms. Harring answered yes. Commissioner Boyle asked if they had considered the amount of insurance that is necessary to operate these types of vehicles, and Ms. Harring answered that they had received a quote of \$2,600 for one year. She noted that there is a major price jump for insurance if the vehicle has over fifteen passengers so that they were going to attempt to limit the number of passengers to fewer than fifteen.

Commissioner Landis inquired as to the actual capacity of the vehicle, and Ms. Harring said that it was sixteen but that they had removed two of the seats so as to make it a fourteen passenger vehicle. She said that she would provide a copy of the insurance quote to the Commission (as Late Filed Exhibit 5). Ms. Harring noted that she had worked with Commission staff on the insurance issue, and that the required amount was \$1.5 million, with the insurance requirement jumping to \$5 million if the capacity of the vehicle is fifteen or more.

OPINION AND FINDINGS

In this particular case, Applicant is seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter and special party between points in Hall County, on the one hand, and, on the other hand, points in Nebraska over irregular routes. The authority would be restricted against the transportation of railroad train crews and their baggage, and the HHS Designation is No.

Applications for common carrier authority are governed by Neb. Rev. Stat. § 75-311 (2010), which provides,

A certificate shall be issued to any qualified Applicant authorizing the whole or any part of the operations covered by the application if it is found after notice and hearing that (a) the Applicant is fit, willing, and able properly to perform the service proposed . . . and (b) the proposed service is to the extent to be authorized by the certificate, whether regular, or irregular, passenger or household goods, is or will be required by the present or future public convenience and necessity. Otherwise the application shall be denied.

In other words, the Commission must apply a two-part test. The first part of the test is that the Commission must determine if an applicant is "fit, willing and able to perform the service proposed." The second part of the test is that the proposed service "is or will be required by the present or future public convenience and necessity."

In order to be successful, an Applicant must prove that it is fit, willing and able to provide the proposed service. From the evidence presented, the Commission finds that the Applicant has demonstrated that it is fit, willing and able to properly perform the proposed service. The Applicant has already purchased the bus, and the proposed driver, Mr. Harring, has held a CDL license with a safe driving record for the past thirteen years. In addition, the Harrings have been foster care providers for the last few years, which require that they pass a background check. The Applicant appears to have sufficient finances and business acumen to operate the proposed service.

Based upon the evidence before us and adduced from the record in the instant case, the Commission finds that the Applicant has met the fitness test of Neb. Rev. Stat. §75-311.

We therefore turn to the issue of whether the proposed service is or will be required by the present or future public convenience and necessity. The traditional analysis for determining "need and necessity" was set forth by the Supreme Court in its May 8, 1998, ruling,

In determining public convenience and necessity, the deciding factors are (1) whether the operation will serve a useful purpose responsive to a public

demand or need, (2) whether this purpose can or will be served as well by existing carriers, and (3) whether it can be served by the Applicant in a specified manner without endangering or impairing the operations of existing carriers contrary to the public interest.

In re Application of Nebraskaland Leasing & Assocs., 254 Neb. 583, 591 (1998).

The issue of whether an Applicant has met its burden of demonstrating that the proposed service is consistent with public convenience and necessity is ordinarily a factual issue. *Id.*

The first part of the test is whether the proposed operation will serve a useful purpose responsive to a public demand or need. Given the record before us, we find that the Applicant has presented a sufficient level of need and necessity to support a grant of the application. The Applicant presented, in addition to the Harrings, five other witnesses that testified to the need for additional services in the Grand Island and central Nebraska area. All of the witnesses noted that Grand Island has grown in the past few years. The increase in population should justify the addition of a new carrier in the area, according to the witnesses.

It was also noted that the bus that is to be placed in service is a different size than the busses currently used by existing providers. While these providers do offer vehicles that are of the same passenger size as that of the Applicant, these vehicles are limousines and are charged out at a significantly higher rate than the proposed service's bus is planned to charge.

The second part of the test is whether this purpose can or will be served as well by the existing carriers. The evidence presented shows that the protestants are not currently meeting the needs as set forth above. There was no evidence set forth in the record that the protestant's fleets have been increased over the past few years, while the population of the area has grown. Also, the protestants do have vehicles that are of the same passenger size as that proposed to be offered, but the record also shows that these vehicles all carry a significantly higher rate than the bus that is proposed to be used in the Applicant's operation.

We now turn to the issue of whether the public demand or need can be served by the Applicant in a specified manner without endangering or impairing the operations of existing carriers contrary to the public interest. Mr. Usher noted that he has not, in general, had to turn down any trips due to unavailability of vehicles recently. He also noted that he does have vehicles that are of the same passenger size as that of the protestant, although they are limousines and not busses and do have a higher charge. Mr. Trease also noted that he has limousines of a similar passenger capacity but that also carry the higher rate. Mr. Trease said that he has not had to turn away any business for his fourteen passenger limousine, and that in general business is down. He stated that his revenues in 2011 were down from 2010, and that 2012 revenues were going to be down from 2011.

On the basis of the evidence offered, the Commission finds that the interest of the public require that this application be granted. The protestants did not offer any specific evidence as to the impact of the operations on their businesses. The protestants did not state to what extent the granting of this authority would have on their operations. Further, there is no vehicle of this size at the proposed rate currently being offered in the area. As one of the supporting witnesses stated, the size of the bus with the charge for the service is one that is currently not offered in the area. Absent evidence of an impairment or endangerment to the operations of the protestants, the Commission finds that the proposed operation can serve in the proposed manner without endangering or impairing the operations of existing carriers contrary to the public interest.

The Commission will modify the geographic area sought by the Applicant. The insurance exhibit received stated that the coverage of the operations of the Applicant was in a 150 mile radius of Grand Island. While it is not clear why this restriction has been placed on the insurance, it appears that the coverage is only effective in this area. Therefore, the Commission will modify the area granted to conform to this restriction.

The Commission further finds that the Applicant shall cooperate with the Commission and involved insurance companies to ensure that the proper and legal amount of insurance is secured by the Applicant. The seating capacity of the vehicle shall be determined and any insurance procured by the Applicant

shall be in the proper amount for a vehicle of that determined seating capacity.

From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds:

1. The Applicant is fit, willing and able properly to perform the service proposed and to conform with the provisions of Neb. Rev. Stat. § 78-301 to 75-322 and the requirements, rules and regulations of the Commission thereunder.

2. The proposed intrastate service is or will be required by the present or future Public Convenience and Necessity to the following extent:

C E R T I F I C A T E A U T H O R I Z E D

SERVICE AND TERRITORY AUTHORIZED: Transportation of passengers by bus in charter and special party between points in Hall County, and between points in Hall County on the one hand and, on the other hand, points within a 150 mile radius of Grand Island over irregular routes. The transportation of railroad train crews and their baggage is not authorized, and the HHS Designation is No.

3. The application should be granted as modified.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1810, be, and it is hereby, granted; and that upon compliance with the terms and conditions as set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to Grand Island Party Bus, Grand Island, Nebraska, authorizing the operations as set forth in the foregoing findings.

IT IS FURTHER ORDERED that the 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. §75-305 (fees), 75-307 (insurance), and 75-308 (rates), 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,

APPLICATION NO. B-1810

PAGE 16

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 applicant shall render reasonably continuous and adequate service to the public pursuant to the authority authorized.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity authorized 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 19th day of November, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Rod Johnson
//s//Frank Landis

Chairman



ATTEST:



Executive Director