

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1825
of Professional Transportation,)
Inc., Evansville, Indiana, seeking)
to acquire, through transfer, the) GRANTED ON AN EMERGENCY
authority granted to CUSA ES, LLC,) BASIS AND CERTIFICATE
dba Coach America Crew Transport,) B-1683 REVOKED
Dallas, Texas, in Certificate)
B-1683.)
ENTERED: SEPTEMBER 11, 2012

BY THE COMMISSION:

OPINION AND FINDINGS

By application filed September 7, 2012, Professional Transportation, Inc., hereinafter referred to as Applicant, seeks to acquire, through transfer, the authority granted to CUSA ES, LLC, dba Coach America Crew Transport, Dallas, Texas, in Certificate B-1683.

CERTIFICATE SOUGHT

SERVICE AND TERRITORY AUTHORIZED:

COMMON: The transportation of passengers and their baggage between Alliance and Ravenna and between Alliance and Ravenna, on the one hand, and, on the other hand, points within a 300 mile radius thereof, under continuing contract(s) with the Burlington Northern Santa Fe Railway.

SUPPLEMENT 1: Transportation of railroad train crews in open class by van between points in the state of Nebraska.

On May 31, 2012, the Applicant filed an application under 49 U.S.C. § 14303 to acquire the assets of CUSA ES. After notice and comments received, the Surface Transportation Board approved the transfer on August 17, 2012. The Applicant, which currently provides rail crew transportation, including Nebraska on an intrastate basis, will carry on the business of CUSA ES, LLC, dba Coach America Crew Transport.

In the order of August 17, 2012, the Surface Transportation Board found that the Applicant had submitted sufficient information to demonstrate that the proposed transaction is consistent with the public interest, that it should have a positive effect on the adequacy of transportation to the public and should not result in an increase in fixed charges or material changes in employment. The Board found that the proposed transaction is consistent with the public interest under 14303 (b) and is otherwise necessary to

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ensure continued service to the traveling public. The Surface Transportation Board's order granted the request of the Applicant to acquire the assets of CUSA ES.

The Commission was notified on August 29, 2012, of the impending sale of the assets of CUSA ES by the Applicant before the Surface Transportation Board. On September 7, 2012, the Applicant notified the Commission that it was set to acquire the assets of CUSA ES on September 14, 2012, and the Applicant was prepared to file all relevant insurance forms required and all other documents necessary to affect the transfer of the authority.

Under 49 U.S.C. §14303 (f), Board approval of the proposed transaction allows for the acquisition of the assets of CUSA ES, LLC, dba Coach America Crew Transport, be accomplished without the need for formal action by any state regulatory agencies. The Commission finds that this section does apply, and enters this order as a ministerial action to record the transfer of the authority from CUSA ES to the Applicant pursuant to the Surface Transportation Board's order of August 17, 2012.

The Commission further finds that the Applicant must still comply with safety and regulatory authority with respect to motor vehicles, and requires that carriers such as the Applicant must comply with state requirements regarding financial responsibility relating to insurance requirements and self-insurance authorizations.

The Commission must find that an emergency basis exists in order to grant an application on an emergency basis. In this matter, the Commission finds that the timing of the transfer of the assets requires that the Commission enter this order on an emergency basis so as to not have any negative impacts on the Applicant or interruption of service in the transfer process and the implementation of insurance by the Applicant.

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is able properly to conform to applicable provisions of Neb. Rev. Stat., sections 75-301 to 75-322.04, (Reissue 2011), and the requirements, rules and regulations of the Commission thereunder.
2. Upon compliance with Neb. Rev. Stat. Sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Reissue 2011), and with the rules and regulations of the

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Commission, a Certificate of Public Convenience and Necessity should be issued as proposed:

CERTIFICATE AUTHORIZED

COMMON: The transportation of passengers and their between Alliance and Ravenna and between Alliance and Ravenna, on the one hand, and, on the other hand, points within a 300 mile radius thereof, under continuing contract(s) with the Burlington Northern Santa Fe Railway.
SUPPLEMENT 1: Transportation of railroad train crews in open class by van between points in the state of Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1825 be, and it is hereby, granted on an emergency basis; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Convenience and Necessity shall be issued to Professional Transportation, LLC, in Application B-1825, authorizing the operations set forth in the foregoing findings, and that to avoid a lapse of authority, the certificate issued in Application No. B-1683, shall be revoked and cancelled simultaneously with the issuance of a Certificate of Public Convenience and Necessity in Application B-1825.

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 ninety (90) days from the effective date of this Order, with Neb. Rev. Stat. sections 75-305 (fees), 75-307 (insurance), and 75-308 (rates)(Reissue 2011), 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 11th day of September, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Aune Boyle

Yusuf Zay

//s// Rod Johnson

//s// Frank Landis

Chairman

Rod Johnson

ATTEST:

Miss [Signature]

Executive Director