

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Elite Limo of) Application No. B-1826
Omaha, LLC, Omaha, seeking)
authority as a common carrier in)
Nebraska intrastate commerce in)
the transportation of passengers)
by luxury or stretch limousine)
in a 100-mile radius of Omaha,)
Nebraska, and between points in) GRANTED AS AMENDED
the 100 mile radius, 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: JUNE 4, 2013

OPINION AND FINDINGS

By application filed September 24, 2012, Elite Limo of Omaha, LLC, hereinafter referred to as Applicant, seeks a Certificate of Public Convenience and Necessity to operate as a common carrier of passengers by motor vehicles as follows:

AUTHORITY SOUGHT

Transportation of passengers by luxury or stretch limousine between points in the 100 mile radius of Omaha between points in the 100 mile radius, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

Notice of this Application was published in the Daily Record, Omaha, Nebraska, on October 23, 2013. Timely protests to the granting of this application were filed on October 23, 2012, by OMALiNK, Inc., through its attorney, Seth J. Felton; on November 8, 2012, by Nightlife Limousine, and by VIP Limousine, A-1 Limousine, and Alford Oil, through their attorney, Jack Shultz.

A Prehearing Conference was held on February 13, 2013. The hearing was scheduled for May 1, 2013, as notified in the Prehearing Conference Order of February 20, 2013. On March 5, 2013, Commissioner Anne Boyle, Hearing Officer, granted a Motion to Continue file by VIP Limousine and agreed to by all parties, continuing the hearing until May 15, 2013.

On May 10, 2013, a restrictive amendment was filed and the protest of OMALiNK, Inc., was withdrawn. On May 14, 2013, the protest of Nightlife Limousine was withdrawn.

The Hearing was held on May 15, 2013. Testimony was started by the Applicant. The remaining parties then requested a brief recess, after which the parties requested that the hearing be adjourned to a later date and time pending a resolution of the Application by agreement. The Hearing Officer recessed the hearing to be restarted at a date and time to be determined, if necessary.

On May 17, 2013, a restrictive amendment was filed by the Applicant. On May 20, 2013, the protest of VIP Limousine, A-1 Limousine, and Alford Oil was withdrawn. As the withdrawal of VIP protest is the last remaining protest, the application may be processed under Rule 18.03 of the Rules of Procedure of the Commission. The hearing recessed to a future date and time should be cancelled.

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 service proposed and to conform to the provisions of Neb. Rev. Stat., Sections 75-301 to 75-322.04, (Reissue 2003), 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:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED: COMMON: Transportation of passengers by luxury or stretch limousine between points in a 100 mile radius of Omaha, and between points in the 100 mile radius, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Point-to-point transportation within Lancaster County is not authorized. Restricted to stretch limousines of eight passengers or more. HHS Designation: No.

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O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Application No. B-1826, be, and it is hereby granted as amended; 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 Elite Limo of Omaha, LLC, Omaha, Nebraska, in Application No. B-1826, authorizing the operations set forth in the foregoing findings.

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), 75-207 (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 the 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.

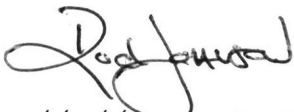
IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity authorized shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

IT IS FURTHER ORDERED that the hearing recessed on May 15, 2013, is hereby cancelled.

MADE AND ENTERED at Lincoln, Nebraska, this 4th day of June, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Anne C. Boyle
//s//Frank E. Landis


Chair

ATTEST:


Executive Director

