

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Eric Burns, ) Application No. B-1904  
Inc., Omaha, Nebraska, seeking )  
authority as a common carrier of )  
passengers by bus between points )  
on a regular route in Douglas ) ORDER OF PENDING DISMISSAL  
County, Nebraska. The )  
transportation of railroad train )  
crews and their baggage is not )  
authorized. HHS Designation: )  
No. ) Entered: February 9, 2016

BY THE COMMISSION:

On April 17, 2015, an application was filed by Eric Burns, Inc., Omaha, Nebraska, seeking authority as a common carrier of passengers by bus between points on a regular route in Douglas County, Nebraska. The transportation of railroad train crews and their baggage is not authorized, and the application does not seek HHS Designation. Notice of the application was published in The Daily Record, Omaha, on May 4, 2015.

A protest was timely filed by Checker Cab Company d/b/a Checker Cab, Happy Cab Company, Yellow Cab Company, DonMark, Inc., d/b/a Cornhusker Cab Company, and Valor Transportation Company d/b/a Safeway Cab Company (collectively, Omaha Cab Companies).

A hearing on this matter was scheduled for October 7, 2015, but was continued to a date to be later determined. On October 8, 2015, Applicant's legal counsel withdrew their appearance in this docket. On November 10, 2015, the parties notified the Commission that a resolution had been reached between the parties. To date, the Commission has not received any information regarding the proposed resolution and attempts to gather such information have been unsuccessful.

Based on the above, the Commission finds that a deadline for action to be taken by Applicant in this docket should be set. If the Commission does not receive any communication or direction from Applicant concerning this application by **February 23, 2016**, the Commission will dismiss the application for failure to take timely action.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a deadline for communication with the Commission by Eric Burns, Inc. in Application No. B-1904 be, and is hereby, set for **February 23, 2016**.

IT IS FURTHER ORDERED that if Eric Burns, Inc. fails to take action by **February 23, 2016**, in Application No. B-1904, the Commission will exercise its authority to enter an order dismissing the application.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 9th day of February, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Guell L. Vay*  
*Crystal Swadlow*  
*R. Johnson*

*Tim Schram*

Chairman

Attest:

*J. P. Kelly*

Executive Director

//s//Frank E. Landis

//s//Tim Schram