

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of The Wine Bus, ) Application No. B-1931  
LLC, Gibbon, seeking to operate )  
as a contract carrier in Nebraska )  
intrastate commerce in the )  
transportation of passengers by )  
bus in special party and charter ) GRANTED  
service in Buffalo County. )  
RESTRICTION: The transportation )  
of railroad train crews and their )  
baggage is not authorized. HHS )  
Designation: No. ) Entered: July 19, 2016

BY THE COMMISSION:

O P I N I O N   A N D   F I N D I N G S

By application filed June 8, 2016, The Wine Bus, LLC, ("Applicant"), Gibbon, seeks to operate as a contract carrier of passengers by motor vehicle as follows:

CERTIFICATE SOUGHT

Transportation of passengers by bus in special party and charter service in Buffalo County, Nebraska, over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

Notice of the Application was published in The Daily Record, Omaha, Nebraska, on June 10, 2016. Because no protests were filed, the application will be processed pursuant to Rule 018.03 of the Commission Rules of Procedure.

The Commission's authority over common carriers in charter service is governed in part by federal law, which restricts States from enacting or enforcing any law, rule, regulation, standard, or other provision having the force and effect of law relating to the authority to provide intrastate or interstate charter bus transportation.<sup>1</sup> Federal law further provides that States are not restricted from exercising safety regulatory authority with respect to motor vehicles, and may regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization.<sup>2</sup>

<sup>1</sup> 49 U.S.C. § 14501.

<sup>2</sup> *Id.*

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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. §§ 75-301 to 75-322.04, (Reissue 2015), and the requirements, rules and regulations of the Commission thereunder.
2. Upon compliance with NEB. REV. STAT. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Reissue 2015), and with the rules and regulations of the Commission, a Certificate of Compliance should be issued as proposed:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers by bus in special party and charter service in Buffalo County, Nebraska, over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-1931 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Compliance shall be issued to The Wine Bus, LLC, Gibbon, Nebraska, in Application No. B-1931, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that Applicant shall not be issued the Certificate of Compliance 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. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Reissue 2015), 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 Compliance is issued.

IT IS FURTHER ORDERED that the operations authorized herein

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shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 19<sup>th</sup> day of July, 2016.


NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chairman

ATTEST:

  
Executive Director

//s//Frank E. Landis

//s//Tim Schram