

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                            |   |                            |
|----------------------------|---|----------------------------|
| Mark J. Breiner, Director, | ) | MOTOR CARRIER COMPLAINT    |
|                            | ) | NO. 3171                   |
| Motor Transportation       | ) |                            |
| Department,                | ) |                            |
| Complainant,               | ) |                            |
|                            | ) |                            |
| vs.                        | ) | ORDER                      |
|                            | ) |                            |
| Central Limousine, LLC,    | ) |                            |
|                            | ) |                            |
| Defendant.                 | ) | ENTERED: FEBRUARY 23, 2010 |

APPEARANCES:

|                                   |                       |
|-----------------------------------|-----------------------|
| For Apartment Movers of Omaha:    | Commission Staff:     |
| John Boehm                        | Mark Breiner          |
| 813 South 13 <sup>th</sup> Street | 1200 N Street         |
| Lincoln, NE 68508                 | Suite 300, The Atrium |
|                                   | Lincoln, NE 68508     |

BY THE COMMISSION:

This matter came before the Commission upon the filing of a formal complaint against Central Limousine, LLC, filed on October 20, 2009. Notice of this hearing was sent to all parties of record on November 10, 2009, and a hearing was held on the matter on December 3, 2009.

The first witness to testify was Lisa Wilson. She arranged transportation for her daughter's wedding in August of 2009. The daughter was married in Gothenburg, Nebraska, and the reception for the wedding was held in Cozad, Nebraska. Ms. Wilson made arrangements for limousine transportation. According to her testimony, she talked with an individual named Todd and that the company that she contracted with was Central Limousine. She was shown photographs of a wedding and was able to testify that the pictures were taken at her daughter's wedding. The photographs showed that the limousine that provided transportation for the wedding had the name Central Limousine engraved or embossed on its windows.

Ms. Wilson further testified that she provided payment for the services by check. The check was made out to

Central Limousine. Ms. Wilson said that at no time did she believe or have any information that she was dealing with Aquila Limousine, which she said she had never heard of, nor any other company other than Central Limousine.

Mr. Jim Laudenklos was called by Mr. Boehm to testify. Mr. Laudenklos is the CEO and president of R & F Hobbies d/b/a Prince of the Road ("Prince"). Mr. Laudenklos testified that there was an agreement for Mr. Friesen to operate Aquila Limousine for them while it was in the process of being transferred. The payment was the lease amount for the vehicle to Aquila, with Todd Friesen keeping the money for the service. He further testified that the lease arrangements entered into between Aquila and Central were based on information that he had received from legal counsel.

Todd Friesen, owner of Central Limousine, testified next. He testified that he was attempting to purchase Aquila Limousine. He understood that he could use Aquila limousines to perform trips under the Aquila Limousine authority. He said that he used Aquila's rates for these trips. This was the rate structure that Mr. Friesen said that he used for the Lovett trip in Holdrege and that Mr. Lovitt paid \$399.00 for that trip. He stated that he also used the chart to quote the charge for the Wilson wedding of \$442.50.

Mr. Friesen said that he discussed with Ms. Wilson the fact that he would have to use the excursion owned by Aquila to perform the service for that wedding. He was not able to remember if he talked with Ms. Wilson using the Aquila name or the Central Limousine name.

Mr. Friesen said that he used the Aquila excursion exclusively for Aquila runs and used only Aquila rates for those runs. He did say that he changed the windows on the excursion from Aquila Limousine to Central Limousine.

On cross-examination by Mr. Breiner, Mr. Friesen stated that he had put two Public Service Commission plates on each vehicle, one from Central one from Aquila. There was also evidence elicited that the service for the Wilson wedding may not have been legal under the certificate held by Aquila Limousine as that certificate is restricted to

the use of sedan-style limousines only, which would exclude the use of the Excursion for that particular trip.

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

This matter comes before the Commission on a complaint filed by the Transportation Department against Central Limousine. The complaint set forth two charges against the defendant: that the service provided to Ryan Lovitt and to the Wilson wedding were outside of the defendant's certificated area, and that the charges made in both of these services were not authorized by the defendant's published rate with the Commission.

In the Wilson trip, the evidence shows that the trip was performed by Central Limousine and not under the auspices of Aquila Limousine. Lisa Wilson testified that she was dealing with Central Limousine the entire time and had no knowledge of Aquila Limousine. The vehicle that showed up to perform the service was labeled Central Limousine on its windows. Further, the vehicle had been leased from Aquila to Central. Ms. Wilson made the check out to Central Limousine and it was deposited by Central Limousine. The fact that Mr. Wilson, who had no involvement with the transaction other than to sign a piece of paper, signed a sheet labeled Aquila Limousine, does not offset the remainder of the evidence. As to the rate, Central Limousine does not have a rate on file that would result in the amount charged.

As to the Ryan Lovett case, the evidence shows that the trip was also performed by Central Limousine. Mr. Lovitt testified that the trip was performed by an Excursion in Holdrege. He testified that he paid \$299.00 for the trip, and gave the driver \$320.00 which included a tip. Mr. Lovitt said that he was dealing with Todd and Central Limousine. He initially denied that he would have paid \$399.00 for the service.

Mr. Lovitt's testimony is sufficient for the Commission to sustain the complaint as to these allegations. Mr. Lovitt said that he was dealing with Central Limousine. There is in this service no rate on file with the Commission that would result in a charge of \$299.00 for this service.

Upon review of the record, the Commission finds that clear and convincing evidence supports the finding that the complaint should be sustained. The certificate held by Central Limousine has been revoked by action taken by the Commission in another docket. The Commission finds that the revocation of the authority is sufficient remedy in this complaint, and therefore will take no further action in this matter.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3171 filed against Central Limousine, LLC, Grand Island, Nebraska, be, and it is hereby, sustained. The certificate held by Central Limousine in B-1728 has been revoked by other action of the Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of February, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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COMMISSIONERS CONCURRING:

*Frank E. Landis*  
*Gerald L. Vap*  
*Tim Schrom*

//s// Frank E. Landis  
//s// Gerald L. Vap

Chairman

ATTEST:

*Phil [Signature]*  
Executive Director