

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of 5th Avenue Cab,)	APPLICATION NO. PI-15
Council Bluffs, Iowa, seeking a)	
declaratory order from the Commission)	MOTION FOR REHEARING AND/OR
regarding taxi service from Eppley)	RECONSIDERATION DENIED
Airport to Omaha.)	
)	ENTERED: MARCH 26, 1996

BY THE COMMISSION:

OPINION AND FINDINGS

By order entered November 7, 1995, the Commission responded to the petition filed by 5th Avenue Cab for a declaratory order. The Commission decided that it has jurisdiction over taxicab service between Eppley Airport and points in Nebraska. On November 20, 1995, petitioner filed a motion for rehearing and reconsideration of the decision made in the order. Oral arguments on the motion were heard on January 9, 1996. Briefs on the matter were submitted by Happy Cab, Safeway Cabs, Inc. and the petitioner.

On its own motion, the Commission sought an opinion from the Attorney General regarding the issues raised by the petition. Briefs of the parties were supplied to the Attorney General. Under date of March 8, 1996, the Attorney General rendered his opinion (96021). The Attorney General said in his conclusion:

Based on the foregoing, we conclude that Petitioner's activities are exempt from federal jurisdiction, and that no federal statute preempts the state's regulation of Petitioner's taxicab service. We further conclude that the Commission has authority under Neb. Const. art. IV, § 20, to regulate Petitioner's activities as a common carrier. Finally, we conclude that, under the facts presented, the Commission's exercise of jurisdiction to regulate Petitioner's inherently local activity, conducted predominately in Nebraska, would not unduly burden interstate commerce.

From the arguments presented and heard, the briefs supplied and the Attorney General's opinion, the Commission finds that the petitioner's motion for reconsideration should be denied.

O R D E R

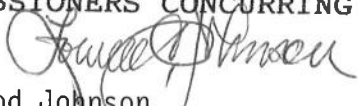
IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the Motion for Rehearing and/or Reconsideration filed in PI-15 be, and it is hereby, denied; and the order of November 7, 1995, entered in PI-15 be, and it is hereby, affirmed.

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MADE AND ENTERED in Lincoln, Nebraska, this 26th day of March, 1996.

COMMISSIONERS CONCURRING:



//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman



ATTEST:


Executive Director