

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Rule and Regulation No. 199  
Public Service Commission, on its )  
own motion, seeking to amend Title ) MOTION FOR REHEARING OR  
291, Chapter 3, Motor Carrier ) RECONSIDERATION DENIED  
Rules and Regulations, to amend )  
provisions of the rules. ) Entered: May 30, 2018

BY THE COMMISSION:

On December 13, 2016, the Nebraska Public Service Commission ("Commission") opened the above-captioned docket to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations. The rulemaking seeks to more clearly define open class carriers, address multi-loading in HHS service, and correct typographical errors.

The Commission entered an Order Issuing a Certificate of Adoption on April 24, 2018. On May 3, 2018, a Motion for Rehearing or Alternatively for Reconsideration and Request for Oral Argument was filed by Golden Plains Services, Inc. d/b/a GPS Transportation. In its motion, GPS Transportation argued that the Commission's Order Issuing a Certificate of Adoption was contrary to applicable law, that the Order ignored and was contrary to evidence of record regarding GPS Transportation's request for grandfathering treatment, that the Order would lead to industry confusion, and that the Order was arbitrary, capricious, and unreasonable.

Oral arguments on the Motion for Rehearing or Reconsideration were held on May 16, 2018. Appearances were made by Ms. Jamie Reyes and Ms. Ellie Rohr for the Commission; Mr. Jack Shultz for GPS Transportation; and Mr. Andy Pollock for the Happy Cab Companies. Other carriers and interested entities that participated in the above-captioned rulemaking proceeding were notified of the oral argument, but did not participate.

In consideration of the arguments presented and being fully advised on the premises, the Commission finds that the Motion for Rehearing or Alternatively 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 or Alternatively for Reconsideration filed in Rule and Regulation No. 199 be, and is hereby, denied.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 30<sup>th</sup> day of May, 2018.



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Rule and Regulation No. 199

Page 2

COMMISSIONERS CONCURRING:

  
  
//s//Mary Ridder

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chair

ATTEST:

  
Executive Director

COMMISSIONERS DISSENTING:

//s//Rod Johnson  
//s//Frank E. Landis