

## SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) Docket No. TNC-2  
Commission, on its own motion, )  
seeking to determine the ) ORDER SETTING FEE  
annual fee for Transportation )  
Network Companies. ) Entered: November 2, 2021

BY THE COMMISSION:

On October 14, 2015, the Nebraska Public Service Commission ("Commission") entered an Order opening the above-captioned docket to determine the annual per-vehicle fee to be paid by Transportation Network Companies ("TNCs") pursuant to Neb. Rev. Stat. § 75-305(2).

On August 10, 2021, the Commission entered an Order setting this matter for hearing. On September 10, 2021, a Hearing Officer Order was entered rescheduling the hearing. Notice of the hearing was sent to all interested parties and published in The Daily Record, Omaha, Nebraska, on September 15, 2021.

A hearing was held on September 28, 2021 in the Commission hearing room as well as remote access via WebEx. Mr. Dillon Keiffer-Johnson and Ms. Jamie Reyes appeared on behalf on Commission staff. No other appearances were entered.

E V I D E N C E

Ms. Jamie Reyes, Transportation Department Director, testified on behalf of Commission staff. Ms. Reyes testified that the purpose of her testimony was to update the Commission with the current status of the TNC regulatory cash fund and to also provide a recommendation for the annual per-vehicle fee.<sup>1</sup> Ms. Reyes stated that the fund was created in June of 2015 for use in the regulation and enforcement of the Nebraska statutes that pertain to TNCs.<sup>2</sup> She stated that the TNC fee is two-fold; TNC companies have the options to pay either a flat fee of \$25,000 or a per-vehicle fee not to exceed \$80 per each personal vehicle operated by a TNC driver.<sup>3</sup> Ms. Reyes clarified that the Commission must establish the per-vehicle amount, but the flat fee remains the same each year.<sup>4</sup> She noted that since the Fund's inception, the fee has been

<sup>1</sup> Hrg. Trans. at 8:16 - 9:8 (Sept. 28, 2021).

<sup>2</sup> *Id.* at 9:9 – 9:14.

<sup>3</sup> *Id.* at 9:15 - 9:20.

<sup>4</sup> *Id.* at 10:5 – 10:11.

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set at \$80 per vehicle. Ms. Reyes recommended that the per-vehicle fee remain at \$80 per vehicle.<sup>5</sup>

Ms. Reyes testified that the current Fund balance as of September 1, 2021 was \$77,618.19. She stated that the expenditures of the Fund relate to general oversight and enforcement. Ms. Reyes stated that the upcoming expenditures would keep the fund balance above the recommended \$30,000 six-month reserve.<sup>6</sup> Revenue to the Fund has consisted of annual fees paid by two permitted TNCs.<sup>7</sup> Additionally, Ms. Reyes stated that the department will continue to work with the accounting department to monitor allocations and make any adjustments deemed necessary.<sup>8</sup>

Upon questioning, Ms. Reyes stated that lowering the per-vehicle fee could be a consideration in the future if the Commission feels comfortable with the reserve balance and the purpose of the fund can still be achieved.<sup>9</sup> Ms. Reyes further noted that due to increased administrative costs there is a probability that the Fund's expenses have increased over the years.<sup>10</sup>

Ms. Sheena Patel then made a comment on behalf of Lyft. Ms. Patel thanked the Commission for its reasonable approach to TNCs and that Lyft had no issues with keeping the per-vehicle fee at its current rate.<sup>11</sup>

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

Neb. Rev. Stat. § 75-305 requires TNCs permitted to operate in the state of Nebraska to pay an annual fee of either twenty-five thousand dollars (\$25,000) or an amount not to exceed eighty dollars (\$80) for each personal vehicle operated by a driver of the TNC. Such fee is payable to the Commission by January 1 and delinquent if not paid by March 1. Fees are directed to the TNC Regulatory Fund, which can be used for the regulation and enforcement of any statutes that specifically pertain to TNCs.

Based upon the testimony provided by staff, the Commission finds that the per-vehicle annual fee for Transportation Network Companies should remain payable at eighty dollars (\$80). TNCs may

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<sup>5</sup> *Id.* at 10:5 – 10:18.

<sup>6</sup> *Id.* at 10:19 – 11:8.

<sup>7</sup> *Id.* at 11:9 – 11:15.

<sup>8</sup> *Id.* at 11:16 – 12:9.

<sup>9</sup> *Id.* at 13:25 – 14:10.

<sup>10</sup> *Id.* at 14:19 – 15:17.

<sup>11</sup> *Id.* at 17:8 – 17:18.

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choose to remit either the per-vehicle annual fee or the flat annual fee of twenty-five thousand dollars (\$25,000). Annual fees are due and payable on or before January 1, 2022 and considered delinquent if not received by March 1, 2022.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the annual fees for Transportation Network Companies should remain payable at either twenty-five thousand dollars (\$25,000) or eighty dollars (\$80) per personal vehicle operated by a driver of the TNC.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 2nd day of November, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rock Johnson*  
*Crystal Broadus*  
*Mary Kidden*  
*Tim Schram*

*Don Wooten*  
Chair

ATTEST:

*Sharice Knutson*  
Deputy Director