

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. B-1733  
of Papio Transportation Services, )  
Inc., Papillion, seeking authority ) SECOND PREHEARING  
as a common carrier of passengers ) CONFERENCE ORDER AND  
and their baggage in open class ) NOTICE OF HEARING  
service by vans and SUVs between )  
points in Douglas and Sarpy )  
Counties, and between points in )  
said counties over irregular routes) ENTERED: DECEMBER 9, 2008

BY THE HEARING OFFICER:

On August 28, 2008, an application was filed by Papio Transportation Services, Inc., Omaha, Nebraska, seeking authority as a common carrier passengers and their baggage pursuant to Neb. Rev. Stat. Section 75-310. Protests were timely filed by Happy, Yellow and Checker Cab Companies, Prince of the Road and by VIP Limousine, A1 Limousine and by Alford Oil.

On December 3, 2008, a Motion to Strike Witnesses and a Motion to Continue Hearing were filed by Michael Polk, legal counsel for protestants Happy, Yellow and Checker Cab Companies. The Motion cited a large increase in the number of witnesses listed by legal counsel for the Applicant on the witness list submitted on December 3, 2008 by Andy Pollock, legal counsel for the Applicant.

A teleconference was held with all legal counsel of record in this matter on December 5, 2008. After consideration of filings and briefs from counsel regarding the two Motions, the Hearing Officer hereby makes the following findings:

1. The Motion to Strike Witnesses should be overruled.
2. The Motion to Continue should be granted.
3. The Hearing scheduled for December 10 and 11 should be continued.
4. A new schedule for discovery should be adopted.

O R D E R

IT IS, THEREFORE, OREDERD by the Hearing Officer that:

1. The Motion to Strike Witnesses is hereby overruled.
2. The Motion to Continue is hereby granted.
3. The parties are hereby ordered to follow the schedule below in the process of this proceeding:

Deadline	Event
<b>December 19, 2008</b>	All written discovery served. No further written discovery between the parties shall take place after this date.
<b>January 16, 2008</b>	Answers to Interrogatories and Responses to Request for Production and Responses to Request for Admissions are due.
<b>January 16, 2008</b>	All depositions completed. If parties seek to settle, settlement achieved, and Commission notified to cancel hearing. Hearings canceled after this date are subject to applicable hearing fee.
<b>January 16, 2008</b>	Any stipulations and exhibits must be exchanged by the parties and filed with the Commission. Final witness lists exchanged by parties and filed with the Commission. Any requests for subpoenas shall be filed in writing with the Commission. No requests for subpoenas will be accepted after this date.
<b>January 20, 2008</b>	Any requests for a continuation or cancellation of a video conference hearing must be made to the Commission at least 48 hours prior to the start of the hearing. The party failing to give timely notification will be responsible for payment of all charges incurred as a result of improper notification. All fees incurred must be paid before future hearings will be scheduled.

Finally, the hearing in Application No. B-1733, will be held on **January 22 and January 23, 2008**, at 9:30 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha, Nebraska.

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Any remaining pre-hearing issues that the parties would like to address should be brought before the Commission prior to hearing.

MADE AND ENTERED at Lincoln, Nebraska, this 9<sup>th</sup> day of December, 2008.

BY:

*Tim Schram*

HEARING OFFICER