

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1731
of LBH d/b/a Archway Transportation))
Omaha, seeking authority as a) PREHEARING CONFERENCE
contract carrier of clients of the) ORDER AND NOTICE OF
Nebraska Department of Health and) HEARING
Human Services by vans and)
wheelchair vans in open class)
service between points in the state))
of Nebraska.) ENTERED: JANUARY 13, 2009

BY THE HEARING OFFICER:

On August 20, 2008, an application was filed by LBH d/b/a Archway Transportation, 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, Golden Plains Services, Transport Plus and by Servant Cab Company LLC.

In order to process the application, the Commission staff held a planning conference in this matter on January 9 2009, at 2:00 p.m. via telephone conference with the applicant and counsel for protestants. The following persons were present at the conference: Angela Burmeister, attorney for the applicant; Michael Polk, attorney for protestants Happy Cab, Yellow Cab and Checker Cab; John Boehm, attorney for protestant Prince of the Road; Jack Shultz, attorney for protestant Servant Cab, LLC; and Mark Breiner, staff attorney.

As a result of the planning conference, several issues were decided. Therefore, this order serves to memorialize those decisions and to provide a timeline for proceeding in this docket.

Deadline	Event
January 23, 2009	All written discovery served. No further written discovery between the parties shall take place after this date.
February 13, 2009	Answers to Interrogatories and Responses to Request for Production and Responses to Request for Admissions are due.
February 27, 2009	All depositions completed. If parties seek to settle, settlement

2009 achieved, and Commission notified to cancel hearing. Hearings canceled after this date are subject to applicable hearing fee.

February 27, 2009 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.

March 2, 2009 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-1731, will be held on **March 4, 2009**, 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.

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

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the foregoing schedule for submission and service of the items discussed above is hereby adopted.

IT IS FURTHER ORDERED that a hearing in Application No. B-1731, will be held on **March 4, 2009**, at 9:300 a.m. in the

Application No. B-1731

PAGE 3

Commission Library, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, and the Nebraska State Office Building, 1313 Farnam Street, Room 207, Omaha, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of January, 2009.

BY:


HEARING OFFICER