

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1732
of Midwest Transport, LLC,)
Lincoln, Nebraska, seeking) PREHEARING CONFERENCE
authority as a contract carrier in) ORDER AND NOTICE OF
in the transportation of clients) HEARING
Zone Care USA by van in open class)
Service between points in Lancaster)
County.) ENTERED: APRIL 14, 2009

BY THE HEARING OFFICER:

On August 21, 2008, an application was filed by Midwest Transport LLC, Lincoln, Nebraska, seeking authority as a common carrier passengers and their baggage pursuant to Neb. Rev. Stat. Section 75-310. Protests were timely filed by Prince of the Road, Ravenna; Transport Plus, Lincoln; Servant Cab Company, Lincoln; and Midwest Special Services, Curtis.

In order to process the application, the Commission staff held a planning conference in this matter on April 8, 2009, at 9:00 a.m. via telephone conference with the applicant and counsel for protestants. The following persons were present at the conference: Robert W. Chapin, attorney for the applicant; Jack Shultz attorney for the protestants Servant Cab Company and Midwest Special Services; John Boehm, attorney for protestant Prince of the Road; 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
April 22, 2009	All written discovery served. No further written discovery between the parties shall take place after this date.
May 13, 2009	Answers to Interrogatories and Responses to Request for Production and Responses to Request for Admissions are due.
May 13, 2009	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.

May 18, 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.

May 19, 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-1724, will be held on **May 21, 2009**, at 10:00a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. This matter will be consolidated with Application B-1724 pursuant to Nebraska Public Service Commission Rules of Procedure 018.08.

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-1724, will be held on **May 21, 2009**, at 10:00 a.m. in the Commission Library, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

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MADE AND ENTERED at Lincoln, Nebraska, this 14th day of April, 2009.

BY:

Frank J. Sauts Jr.

HEARING OFFICER