

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) APPLICATION NO. LR-309  
Prescription of Reasonable Rates )  
and Charges for Motor Carriers )  
Passengers and Property for Hire ) GRANTED ON AN EMERGENCY  
Subject to the Provisions of ) BASIS  
Neb. Rev. Stat. (Reissue 2003), )  
Chapter 75, Articles 1 and 3. )  
ENTERED: SEPTEMBER 10, 2009

BY THE COMMISSION:

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

On August 27, 2009, Leisure Limousine and Sedan Service, Inc., Lincoln, Nebraska filed an application for authority to amend current rates as set forth below.

Emergency action is requested.

The Applicant is a certificated common carrier which holds Certificate B-1718, which authorizes the transportation of passengers in Nebraska intrastate commerce to provide limousine service in sedan and luxury or stretch limousines between points in Douglas, Sarpy, Lancaster and Washington counties over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized.

The proposed changes would add a surcharge to the rate structure of the applicant due to additional expenses of employee taxes and workers compensation insurance as follows:

18 and 14 passenger limousines	\$24.00
10 passenger limousines	\$19.00
6 passenger limousines	\$14.00

The application also seeks to correct an error it made in its last application regarding its Split Two Hour Rate. The rate requested was \$440.00 for a 14 passenger. The rate that it had intended to request was \$495.00. The 18 passenger Split Two Hour Rate, currently at \$495.00, was intended to be \$520.00.

The Applicant is further seeking to reduce its sedan rate from the Lincoln Municipal Airport from \$50.00 to a flat fee of \$37.00 per trip.

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The applicant was recently notified by the Work Force Development Program of the State of Nebraska that its drivers were not determined to be classified as independent contractors but were employees. As employees, the applicant will incur additional charges such as workers compensation and matching costs for federal taxes such as FICA. The Applicant proposes the surcharge as an efficient way to address these new costs with the least amount of impact on the general public. The Applicant has stated that these charges are necessary and sufficient to address the situation.

The Applicant is seeking to reduce its charges for service from the Lincoln Municipal Airport. Currently, the Applicant has a charge of \$50.00 per hour with a one hour minimum. This charge has the Applicant charging \$50.00 for a trip that may take ten minutes. This fare is considerably higher than other options available at the airport, and makes the Applicant uncompetitive in the market. It is proposing that the charge be changed to a flat airport fee of \$37.00. The Applicant believes that this will make it more competitive and generate additional traffic for its business.

The Commission finds that the surcharges should be approved on an emergency basis, as well as the adjustment in the Split Two Hour charges. The Commission finds that the Applicant is in a financial situation such that its operations could be impaired if it is not allowed to offset the new charges as quickly as possible. The Commission also finds that it should be allowed to adjust the charge for the Split Two Hour charges.

The Commission also finds that the Applicant should be allowed to reduce its charges from the Lincoln Municipal Airport. While the charge needs to be more than a taxicab would charge for a similar service, the Commission finds that the proposed charge is higher than would be charged by a taxicab for most trips that it would perform. This should allow the Applicant to be more competitive without endangering the services of the taxicab providers in Lincoln.

Upon consideration of the application and being fully advised in the premises, the Commission is of the opinion and finds that the application should be granted on an emergency basis effective September 11, 2009.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective September 11, 2009, Leisure Limousine

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and Sedan Service, Inc., Lincoln, Lincoln, be, and it is hereby, authorized to amend its limousine rates for its use as follows:

Surcharge:

18 and 14 passenger limousines	\$24.00
10 passenger limousines	\$19.00
6 passenger limousines	\$14.00

14 Passenger Split Two Hour Rate	\$495.00
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18 Passenger Split Two Hour Rate	\$520.00
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Sedan Service From Lincoln Airport	\$37.00
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IT IS FURTHER ORDERED by the Nebraska Public Service Commission that public notice of this action be published in The Daily Record, Omaha, Nebraska pursuant to the provisions of Section 75-121, R.R.S. 2003, and the Commission's rules.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of September, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. Vap*

*Red Johnson*

*Anne C. Boyle*  
*Tom Schram*

*Frank E. Landis*  
Chairman

ATTEST:

*Michael D. ...*  
Executive Director

//s// Frank E. Landis