

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. B-1716  
of Accute Transportation, Omaha, )  
seeking authority as a common ) PREHEARING CONFERENCE  
carrier in Nebraska intrastate ) ORDER AND NOTICE OF  
commerce in the transportation of ) HEARING  
passengers and their baggage in )  
open class service by van between )  
points in Douglas, Dodge, and )  
Sarpy Counties, and between )  
Points in said counties, on the )  
One hand, and, on the other hand, )  
Points in Nebraska over irregular )  
Routes. HHS Designation: Yes. ) ENTERED: SEPTEMBER 29, 2009  
RESTRICTION: The transportation of )  
railroad train crews and their )  
baggage is not authorized. )

BY THE HEARING OFFICER:

On February 24, 2009, an application was filed by Accute Transportation, 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, Omaha, Cornhusker Cab Company, Omaha, Prince of the Road, Ravenna, Fremont Cab Service, LLC, A-1 Transportation, VIP Limousine, A1 Limousine and by MAVM Ventures, Inc, d/b/a A&B Shuttle.

In order to process the application, the Commission staff held a planning conference in this matter on September 23, 2009, at 9:30 a.m. via telephone conference with the applicant and counsel for represented protestants. The following persons were present at the conference: Bradford Kistler, 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; 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

October 9,

Answers to Interrogatories and  
Responses to Request for Production

2009 and Responses to Request for Admissions are due.

October 28, 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.

October 28, 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.

November 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-1716, will be held on **November 4, 2009**, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, 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.

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IT IS FURTHER ORDERED that a hearing in Application No. B-1716, will be held on **November 4, 2009**, at 10:00 a.m. in the Commission Library, 300 The Atrium, 1200 N Street, Lincoln, Nebraska

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of September, 2009.

BY:

*Tim Schram*

HEARING OFFICER