

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application	)	Application No. B-1993
of Dak Family Transportation,	)	
LLC, Lincoln, seeking authority	)	
as a common carrier in Nebraska	)	
intrastate commerce in the	)	
transportation of passengers by	)	
van in open class service	)	ORDER GRANTED AS AMENDED
between points in Douglas,	)	
Lancaster, and Sarpy counties	)	
over irregular routes.	)	
RESTRICTION: The transportation	)	
of railroad train crews and	)	
their baggage is not authorized.	)	
HHS Designation: Yes.	)	Entered: October 29, 2019

BY THE COMMISSION:

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

On March 4, 2019, Dak Family Transportation, LLC ("Applicant"), Lincoln, filed an application for authority as a common carrier in Nebraska intrastate commerce to transport passengers by van in open class between points in Douglas, Lancaster, and Sarpy counties over irregular routes. The transportation of railroad train crews and their baggage is not authorized, and HHS Designation is yes. Notice of the application was published in The Daily Record, Omaha, Nebraska, on March 11, 2019.

Timely protests were filed by WHC NE, LLC, d/b/a zTrip and Checker Cab; WHC NE, LLC, d/b/a Happy Cab and zTrip; WHC NE, LLC, d/b/a Cornhusker Cab and zTrip; WHC NE, LLC, d/b/a Yellow Cab Company and zTrip; WHC NE, LLC, d/b/a Safeway Cab and zTrip; Camelot Transportation; and Triumph Transportation. Protests were granted on May 21, 2019.

A hearing was scheduled for August 20, 2019, but was cancelled when the parties informed the Commission that a proposed settlement had been reached. On August 26, 2019, Protestants each filed a Motion to withdraw their protests. On October 1, 2019, the Hearing Officer granted the motions to withdraw protests.

On August 26, 2019, Applicant filed a motion to amend its application, which was granted on October 1, 2019 as follows:

AUTHORITY SOUGHT

Service and Territory Authorized: Open class service by van between points in Douglas, Lancaster, and Sarpy Counties over irregular routes.

RESTRICTIONS:

1. Maximum of six (6) vehicles in service for Applicant's first five years of operation.
2. All trips must originate and terminate in Douglas, Lancaster, or Sarpy counties only. No trips may originate or terminate in any counties other than Douglas, Lancaster, and Sarpy.
3. The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

Application No. B-1993 was then processed pursuant to Rule 002.10 of the Rule of Procedure of the Commission.

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of Neb. Rev. Stat. Sections 75-301 to 75-322 and the requirements, rules and regulations of the Commission thereunder.
2. The proposed intrastate service is or will be required by the present or future public convenience and necessity to the following extent:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED: COMMON: Open class service by van between points in Douglas, Lancaster, and Sarpy Counties over irregular routes. RESTRICTIONS:

Maximum of six (6) vehicles in service for Applicant's first five (5) years of operation. All trips must originate or terminate in Douglas, Lancaster, or Sarpy Counties only. No trips may originate in any Counties other than Douglas, Lancaster, or Sarpy. The transportation of railroad train crews or their baggage is not authorized. HHS Designation: Yes.

3. The application should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-1993 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set forth in the Order, a Certificate of Public Convenience and Necessity shall be issued to Dak Family Transportation, LLC, Lincoln, Nebraska in Application No. B-1993, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that applicant shall not be issued the Certificate of Public Convenience and Necessity authorized by the Commission unless and until applicant has fully complied, within a reasonable time from the effective date of this Order, with NEB. REV. STAT. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates), (Reissue 2018), and with the rules and regulations of the Commission; and if upon expiration of such time, Applicant has not complied with such terms and conditions, this Order shall, after reasonable notice to Applicant, be of no further force and effect.

IT IS FURTHER ORDERED that Applicant shall not conduct operations until a Certificate of Public Convenience and Necessity is issued.

IT IS FINALLY ORDERED the Certificate of Public Convenience and Necessity authorized shall be subject to the terms, conditions, and limitations which have been, or may hereafter be, prescribed by the Commission.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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Application No. B-1993

Page 4

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 29<sup>th</sup> day  
of October, 2019.

COMMISSIONERS CONCURRING:

*Cyrtel Knudsen*

*Pat Chase*

*Donna W. W. W.*

*Tim Schram*

NEBRASKA PUBLIC SERVICE COMMISSION

*Mary B. B.*

Chair

ATTEST:

*Michael L. L.*

Executive Director