

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	Application No. B-2002
Application of Oceans	)	
Enterprise, LLC, d/b/a Oceans	)	
Drive Transportation, Omaha,	)	
seeking authority as a common	)	
carrier in Nebraska intrastate	)	
commerce in the transportation	)	
of passengers by van and SUV in	)	GRANTED AS AMENDED
open class service between	)	
points in Buffalo, Cass, Dodge,	)	
Douglas, Hall, Sarpy, and	)	
Washington counties.	)	
RESTRICTIONS: The	)	
transportation of railroad	)	
train crews and their baggage	)	
is not authorized. HHS	)	
Designation: Yes.	)	Entered: February 19, 2020

BY THE COMMISSION:

On July 22, 2019, Oceans Enterprise, LLC, d/b/a Oceans Drive Transportation, ("Applicant"), Omaha, filed an application for authority as a common carrier in Nebraska intrastate commerce to transport passengers by van and SUV in open class service between points in Buffalo, Cass, Dodge, Douglas, Hall, Sarpy, and Washington 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 July 30, 2019.

Timely protests were filed by Camelot Transportation, Inc. ("Camelot"); Triumph Transportation, Inc. ("Triumph"); Comstock Corporation d/b/a Action Cab; WHC NE, LLC d/b/a zTrip; WHC NE, LLC d/b/a Cornhusker Cab Company and zTrip; WHC NE, LLC d/b/a Happy Cab and zTrip; WHC NE, LLC d/b/a Checker Cab Company and zTrip; WHC NE, LLC d/b/a Yellow Cab Company and zTrip; and WHC NE, LLC d/b/a Safeway Cabs and zTrip ("zTrip"). Protests were granted on September 12, 2019.

Hearing on this matter was scheduled for December 11, 2019 in the Commission Hearing Room, Lincoln, Nebraska. Prior to the hearing, the Commission was informed that a tentative settlement had been reached. On December 23, 2019, Protestants each filed a Motion to withdraw their protests. On December 27, 2019, Applicant filed a motion to amend its application. On January 6, 2020, the Hearing Officer granted Applicant's motion to amend its application with the addition of the following restrictions:

RESTRICTIONS:

- a. A maximum of ten (10) total vehicles in service and/or operation at any given point in any of the following counties: Cass, Dodge, Washington, Douglas, and Sarpy;
- b. Service by vans and SUVs only; and
- c. All trips originating or terminating in Cass, Dodge, Washington, Douglas, and Sarpy counties must be completed within a 100-mile radius of the point of origination.
- d. HHS Designation: Yes.

On January 6, 2020, Protestants' motions to withdraw were granted. Application No. B-2002 was then processed pursuant to the Commission's Rule of Modified Procedure.

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. §§ 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: Transportation of passengers in open class service by vans and SUVs over irregular routes between points in Buffalo, Cass, Dodge, Washington, Douglas, Hall, and Sarpy counties. RESTRICTIONS: Maximum of ten (10) total vehicles in service and/or operation at any given point in any of the following counties: Cass, Dodge, Washington, Douglas, and Sarpy. Service by vans and SUVs only. All trips originating or terminating Cass, Dodge, Washington, Douglas, and Sarpy counties must be completed within a 100-mile radius of the point of origination. The transportation of railroad train crews and 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-2002 be, and it is hereby, granted as amended; and that upon compliance with the terms and conditions set for in the Order, a Certificate of Public Convenience and Necessity shall be issued to Oceans Enterprise, LLC, d/b/a Oceans Drive Transportation, Omaha, Nebraska in Application No. B-2002, 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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 19<sup>th</sup> day of February, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rob Jones*  
*Don Williams*  
*Tim Schram*

*Mary Peltis*  
Chair

ATTEST:

*Michael H. S.*  
Executive Director