

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

---

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. MT-0001  
Public Service Commission, on )  
its Own Motion, seeking to ) ORDER  
address certain carriers in )  
non-compliance with annual )  
renewal requirements. ) Entered: March 3, 2020

BY THE COMMISSION:

On January 7, 2020, the Nebraska Public Service Commission ("Commission") entered an order opening the above-captioned docket to address those motor carriers not in compliance with the Commission's annual renewal requirements and to schedule a show cause hearing for failure to remit annual fees in accordance with Neb. Rev. Stat. § 75-305 (2018).<sup>1</sup>

On February 4, 2020, hearing on this matter was held in the Commission hearing room, Lincoln. Appearances were made by Dillon Keiffer-Johnson and Jamie Reyes on behalf of the Commission. Mr. Johnny Ingram of WAAD I, LLC d/b/a Wings of Love and Caring Hearts Transportation attended on behalf of each company and was not represented by legal counsel. No other appearances were made.

E V I D E N C E

Mr. Johnny Ingram testified on behalf of WAAD I, LLC ("WAAD") and Caring Hearts, LLC ("Caring Hearts"). Mr. Ingram is the owner of WAAD I, LLC and has owned the company for ten years. Mr. Ingram has been the manager of Caring Hearts for about four years. Caring Hearts is owned by his son.

Mr. Ingram testified that he did not submit his payment and documents until after January 1, 2020 because he assumed that the Commission notices he received were related to his insurance policy renewal. Mr. Ingram also stated that his ability to comply was affected by personal matters during the compliance period.

---

<sup>1</sup> See Docket No. MT-0001 *In the Matter of the Nebraska Public Service Commission, on its Own Motion, seeking to address certain carriers in non-compliance with annual renewal requirements, Order Opening Docket and Scheduling Show Cause Hearing, Entered January 7, 2020.*

Next, Ms. Jamie Reyes testified on behalf of Commission staff. Ms. Reyes is the Director of the Commission's Transportation Department ("Department"). In this role, Ms. Reyes stated that she works with staff to ensure compliance and safety inspections are performed, and to make decisions regarding enforcement of statutes and Commission rules and regulations.

In her testimony, Ms. Reyes outlined the past and current requirements for motor carrier annual renewals. Ms. Reyes testified that annual renewal payments are payable on or before January 1<sup>st</sup> and then considered delinquent March 1<sup>st</sup> every year. Ms. Reyes stated that carriers in previous years, carriers could come into compliance up until the delinquent date, but that the Department has instituted a fining policy for those not in compliance by the delinquent date. Carriers would be fined \$10 per day every day for the first 30 days of non-compliance, then \$100 for each day thereafter until a hearing commenced.<sup>2</sup> Citing the Department's concern that carriers' vehicle registrations and license plates would expire prior to the Department's opening of a motor carrier complaint, Ms. Reyes testified that the Department wanted to encourage earlier compliance. Additionally, Ms. Reyes stated that carriers were required to submit proof of current insurance as part of this year's compliance so that the Department would have the most current insurance information on file.<sup>3</sup> Ms. Reyes then discussed the motor carriers that either complied by the time of the hearing or still remained in some form of non-compliance with annual renewal requirements. Ms. Reyes recommended that the Commission consider ordering suspension of services for those carriers that had not come into compliance with annual renewal requirements, and recommended no action be taken against carriers in compliance by the hearing date.

Upon examination by Commissioners, Ms. Reyes testified that the Department had considered additional measures outside of suspension, such as instituting a daily fine sooner than March 1<sup>st</sup> or issuing citations for vehicles operating with expired Commission registration. Ms. Reyes then discussed current and future procedural options for the annual renewal process with Commissioners that would help

---

<sup>2</sup> Hrg. Trans. 15:13-16: 12.

<sup>3</sup> *Id.* at 16:13-18:14.



eliminate confusion with what is required and encourage compliance.

Commission Exhibits one through eleven were entered into evidence. At the conclusion of testimony, the record was deemed to be closed.

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

Pursuant to Neb. Rev. Stat. § 75-315, the Commission may, on its own initiative after notice and hearing, suspend a Certificate of Public Convenience and Necessity or Permit of Authority for failure to comply with Neb. Rev. Stat. §§ 75-101 to 75-801.

At the date of the hearing, 50 carriers had not fully complied with the annual renewal requirements. Evidence shows that all carriers but two received some or all of the notices sent on or around November 1, 2019 and January 8, 2020. Certain carriers also spoke with Commission staff regarding compliance and yet failed to file all required documents and/or payments prior to the hearing.

Five carriers- Executive Coach, LLC; WAAD I, LLC d/b/a Wings of Love; Caring Hearts Transportation; Paradise Limos; and Emerald Limousine, Inc.- completed all compliance requirements prior to the start of the hearing. As these carriers fully complied with all requirements, the Commission finds that no action will be taken as it relates to these carriers.

One carrier- Smiley's- paid its annual renewal fees and confirmed its vehicle information. However, Smiley's failed to file proof of its current liability insurance policy. As such filing was required for complete compliance with this year's annual renewal requirements and not received by the hearing date, Smiley's was not considered to be in compliance. Smiley's also did not appear at the show-cause hearing. Because the insurance filing was a new annual renewal requirement this year and Smiley's completed the other two long-standing requirements for annual renewal compliance, the Commission finds that Smiley's should not face adverse consequence for failure to file its insurance document. The Commission strongly advises this carrier to ensure that all future compliance requirements are met by the designated deadline.

Finally, the following carriers were found to be in some combination of non-compliance as of the hearing date:

Paid annual renewal fee only: Daniel's Moving and Storage; VIP Limousine, LLC; Xtreme Ride, LLC;

Paid annual fee and filed insurance: Bar Crawler Party Bus; Special Day Limousine, LLC;

Filed insurance documents only: Ambassador Transportation; Limousine Services, LLC; Bus at the Yard d/b/a Luxury Limousine; Midwest Special Services, Inc.; Midwest Transportation Specialists; Party Express Bus, LLC; Rapid Shuttle Service; Red Star Transport, LLC; Unity Transportation Services, Inc.;

Total non-compliance: A-1 Limousine Services, LLC; Alpha Life Improvement Services; Big O's Party Bus, LLC; Black Diamond S&S; Denver Coach, Inc.; First Student, Inc.; Ford Storage & Moving Co.; Ford Van Lines, Inc.; Kelly DeSive; King's Moving; Laidback Limousine, Inc.; Lift Medical Transportation; Local Movers; Mid-Plains Center for Behavioral Health Care Services, Inc.; Nebraska Taxi, LLC; Night Life Limousine, LLC; Nightlife Party Bus, LLC; Omaha Omaha Handicap Transportation Services; Big A Holdings, LLC d/b/a OMALink; Price's Party Patrol, LLC; Roadrunner Bus, LLC; Royal Limousine, Inc.; Siouxland Paramedics, Inc.; The Wine Bus, LLC; Tree City Cab Company; TT Limousines; VIP Limobus, LLC; and Yellow Cab Beatrice.

None of the above-named carriers appeared before the Commission to show cause as to why their certificates or permits of authority should not be revoked. When taking into account the lack of attendance and the evidence presented, the Commission would be within its authority to suspend the services of each of these carriers. However, it would not be in the public interest to suspend services at this time and leave many communities with fewer or no transportation options available. That said, carriers must complete all remaining annual renewal compliance steps prior to March 2,



SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Docket No. MT-0001

Page 5

2020, or be considered delinquent pursuant to § 75-305.<sup>4</sup> Any delinquent carriers will begin accruing administrative fines and be subject to further Commission action up to and including suspension or revocation of a carrier's certificate or permit of authority.

Based on the above, the Commission finds that no adverse action will be taken against the above-named carriers at this time. All carriers are on notice that any future non-compliance with annual renewal requirements could result in adverse action, including administrative fines, suspension of services, or any other action the Commission deems appropriate.

O R D E R

IT IS THEREFORE SO ORDERED by the Nebraska Public Service Commission that no action shall be taken against those carriers not in compliance with Neb. Rev. Stat. § 75-305 at this time.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 3rd day of March, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Crystal Unwades*

Chair

*Mary Fiddler*

*Paul Johnson*  
*Don Williams*  
*Tim Schram*

ATTEST:

*Michael H. S.*

Executive Director

<sup>4</sup> Neb. Rev. Stat. § 75-305 states that annual fees are delinquent March 1<sup>st</sup> each year. Since March 1<sup>st</sup> falls on a Sunday, carriers will be considered delinquent the next business day.