

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Mike's Capital Cab, LLC, Lincoln, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3.) APPLICATION NO. TR-214/B-1999)
) ORDER GRANTING RATES, IN PART)
) ENTERED: March 10, 2020)

BY THE COMMISSION:

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

On December 6, 2019, Mike's Capital Cab, LLC ("Applicant"), Lincoln, Nebraska, filed an application for authority to establish its rates as follows:

<u>Description</u>	<u>Proposed</u>
<u>Ambulatory Vehicles</u>	
First 1/11 th of a mile	\$2.90
Each additional 1/11 th of a mile	\$0.20
Out of town trips per mile	\$2.50
 <u>Wheelchair Accessible Vehicle</u>	
First 1/11 th of a mile	\$4.00
Each additional 1/11 th of a mile	\$0.35
 Wait time per minute	 \$0.60
 Credit card Surcharge	 2.6% of trip cost plus \$0.10

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

On June 11, 2019, Applicant filed an application to acquire the operating rights and authority granted to Servant Cab Company, LLC, d/b/a Yellow Cab Company and Capital Cab Company, Lincoln, in Certificate No. B-1581.¹ Applicant will provide for the transportation of passengers and their baggage by taxicab between points in Lincoln and a twenty-five (25) mile radius thereof, including, but not limited to, the communities of Crete, Firth, Garland, Greenwood, Hallam, Milford, Panama, Seward, and Wahoo, and between points in said area on the one hand, and, on the other hand, points in Nebraska over irregular routes with the following restrictions: the transportation of passengers and their baggage

¹ See Application No. B-1999, *In the Matter of the Application of Mike's Capital Cab LLC, Lincoln, seeking to acquire, through transfer, the authority held by Servant Cab Company, LLC, d/b/a Yellow Cab Company and Capital Cab Company, Lincoln, in Certificate B-1581, Order Granting Transfer of Authority and Cancelling Certificate No. B-1581, Entered October 8, 2019.*

originating outside of Lincoln and a twenty-five (25) mile radius thereof is not authorized, except for a continuation of a trip originating in Lincoln and a twenty-five (25) mile radius thereof, and a return to a destination in Lincoln and a twenty-five (25) mile radius thereof and shown on the same billing document as a continuation of the originating trip; the transportation of railroad train crews and their baggage is not authorized; and the HHS Designation is yes. Notice of the Application was published in The Daily Record on January 29, 2020.

Applicant seeks to establish rates for use in its new operations. The proposed rates are less than those previously approved and used under the previous ownership. The rates include a distinction of rates for ambulatory vehicles and wheelchair accessible vehicles. The previous ownership made no such distinction. Those trips using ambulatory vehicles would include a base rate of \$2.90 for the first 1/11th of a mile and a \$0.20 for each additional 1/11th of a mile thereafter. This represents a decrease from the previous rate which had a base rate of \$4.25 for the first 1/13th of a mile and \$0.30 for each 1/13th of a mile thereafter.

Upon review, the Commission finds that the proposed rates are reasonable with one exception. Applicant proposed adding a "Credit card surcharge" which would be 2.6% of the trip plus \$0.10. Neb. Rev. Stat. § 75-126(1)(a) states that a common carrier shall not charge, demand, collect, or receive from an person a greater or lesser compensation for any services rendered than it charges, demands, collects or receives from any other person for a like or contemporaneous service. Applicant's proposed surcharge would make it so that a customer paying with a credit card would pay a higher fare for the same service as a customer choosing to pay with another form of payment. Charging customers an additional fee based solely on form of payment violates § 75-126. The Commission understands that alternative forms of payment have underlying associated costs that carriers wish to subsidize through additional surcharges, but any rate option that Applicant utilizes must not run afoul of § 75-126.

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.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Mike's Capital Cab, LLC, Lincoln, Nebraska, be,

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and it is hereby, authorized to establish its rates for its services effective March 15, 2020, as follows:

<u>Description</u>	<u>Rates</u>
<u>Ambulatory Vehicles</u>	
First 1/11 th of a mile	\$2.90
Each additional 1/11 th of a mile	\$0.20
Out of town trips per mile	\$2.50
 <u>Wheelchair Accessible Vehicle</u>	
First 1/11 th of a mile	\$4.00
Each additional 1/11 th of a mile	\$0.35
 Wait time per minute	 \$0.60

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 10th day of March, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING

Crystal Knudsen

Red Johnson

Don Rasmussen

Tim Schram

Mary Riddle

Chair

ATTEST:

Michael J. De
Executive Director