

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	APPLICATION NO. B-1995
Application of Serving)	
Nebraska Health)	
Transportation Agency, Omaha,)	
seeking authority as a common)	
carrier in Nebraska)	
intrastate commerce in the)	
transportation of passengers)	GRANTED AS AMENDED
in open class service between)	
points in Douglas and Sarpy)	
counties over irregular)	
routes. RESTRICTIONS: The)	
transportation of railroad)	
train crews and their baggage)	
is not authorized. HHS)	
Designation: No.)	ENTERED: March 24, 2020

BY THE COMMISSION:

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

On July 3, 2019, Serving Nebraska Health Transportation Agency ("Applicant"), Omaha, filed an application for authority as a common carrier in Nebraska intrastate commerce to transport passengers in open class service between points in Douglas and Sarpy counties over irregular routes. The transportation of railroad train crews and their baggage is not authorized, and HHS Designation is no. Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 24, 2019.

Timely protests were filed by Camelot Transportation, Inc.; Triumph Transportation, Inc.; 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. Protests were granted on September 12, 2019.

Hearing on this matter was scheduled for January 22, 2020 in the Commission Hearing Room, Lincoln, Nebraska. Prior to the hearing, the Commission was informed that a tentative settlement had been reached. On December 17, 2019, Applicant requested to amend its application. On January 10, 2020, Protestants each filed a Motion to withdraw their protests.

On February 25, 2020, the Hearing Officer granted the

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Applicant's request to amend its application as follows:

AUTHORITY SOUGHT

SERVICE AND TERRITORY: Open class service by van over irregular routes between points in Douglas and Sarpy counties only. The following restrictions apply to service provided:

RESTRICTIONS:

- a. Applicant is not authorized to perform any trips using sedans;
- b. All trips must originate and terminate in Douglas or Sarpy counties only;
- c. For the first two (2) years, Applicant is limited to a maximum of six (6) vehicles in service at any one time. After the expiration of two (2) years, Applicant is entitled to increase its fleet to a maximum of twelve (12) vehicles in service at any one time; and
- d. Service must be provided in minivans and wheelchair accessible vans only.
- e. HHS Designation: No.

Application No. B-1995 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 by van in open class service between points in Douglas and Sarpy counties over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their baggage is not authorized. The transportation of passengers by sedans is not authorized. Applicant must only provide service in minivans and wheelchair accessible vans only. All trips must originate and terminate in Douglas or Sarpy counties only. Maximum of six (6) vehicles in service for Applicant's first two (2) years. After the expiration of two (2) years, Applicant is entitled to increase its fleet to a maximum of twelve (12) vehicles in service at any one time. HHS Designation: No.

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-1995 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 Serving Nebraska Health Transportation Agency, Omaha, Nebraska in Application No. B-1995, 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), and with the rules and regulations of the Commission, and if upon expiration of such terms and conditions, this Order shall, after reasonable notice to Applicant, be of no further force and effect.

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

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 24th day
of March, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Broadus
Tim Schram
Don Waters

Mary Riddle
Chair

ATTEST:

Michael H. 20
Executive Director