

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	) APPLICATION NO. BR-566/B-2002
Application of Oceans	)
Enterprise, LLC, d/b/a Oceans	)
Drive Transportation, Omaha,	) ORDER GRANTING RATES, IN PART
seeking to establish its rates	)
and charges subject to the	)
Provisions of Neb. Rev. Stat.	) ENTERED: April 7, 2020
Chapter 75, Articles 1 and 3.	)

BY THE COMMISSION:

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

On March 17, 2020, Oceans Enterprise, LLC, d/b/a Oceans Drive Transportation ("Applicant"), Omaha, Nebraska, filed an application for authority to establish its rates as follows:

<u>Description</u>	<u>Proposed</u>
Ambulatory Rates - Weekdays 7:00 am - 6:00 pm	
One way for the first 5 miles per person	\$21.85
Additional miles thereafter	\$2.75/mile
 Ambulatory Rates - holidays, weekends, and service before 7:00 am and after 6:00 pm	
One way for the first 5 miles per person	\$29.35
Additional miles thereafter	\$3.55/mile
 Non-Ambulatory Rates - Weekdays 7:00 am - 6:00 pm	
One way for the first 5 miles per person	\$45.55
Additional miles thereafter	\$2.75/mile
 Non-Ambulatory Rates - holidays, weekends, and service before 7:00 am and after 6:00 pm	
One way for the first 5 miles per person	\$55.25
Additional miles thereafter	\$3.55/mile
 Additional Services	
Assistance or Load Fee	\$3.95
 Wait time: 5 to 60 minutes	\$19.99
Per minute after first 60 minutes	\$0.50/minute
 Additional Passengers	\$10/person
 Last minute/Urgent Requests - requires 2 hours minimum lead time before pickup	\$75/person flat rate

Applicant was granted authority under Application No. B-2002 to transport passengers in open class service by vans and SUVs over irregular routes between points in Buffalo, Cass, Dodge, Washington, Douglas, Hall, and Sarpy counties with the following restrictions: operating a maximum of ten (10) total vehicles in service and/or operation at any given point in Cass, Dodge, Washington, Douglas, and Sarpy counties; service by vans and SUVs only; 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. The transportation of railroad train crews and their baggage is not authorized and the HHS Designation is yes. Notice of the Application for rates was published in The Daily Record, Omaha, on February 24, 2020. No protests were received.

Applicant is seeking to establish its initial published rate in order to provide transportation services in eastern Nebraska. Upon review, the Commission finds that the proposed rates are reasonable with one exception. Applicant proposed adding a "Last minute/Urgent Request" rate, which would charge a flat rate higher than its regular rate for those attempting to schedule a trip with little prearranged notice. Neb. Rev. Stat. § 75-126(1)(a) states that a common carrier shall not charge, demand, collect, or receive from a 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 rate would result in one customer paying a higher fare for the same service than another customer if they fail to provide adequate advanced notice. Charging customers an increase based solely on the amount of notice they provide violates § 75-126. The Commission understands the difficulty that comes with scheduling trips on little advanced notice, 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, in part.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Oceans Enterprise, LLC, d/b/a Oceans Drive Transportation, Omaha, Nebraska, be, and it is hereby, authorized to establish its rates for its services effective April 12, 2020, as follows:

#### Description

#### Rates

Ambulatory Rates - Weekdays 7:00 am - 6:00 pm

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. BR-566/B-2002

Page 3

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 7<sup>th</sup> day  
of April, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rock Johnson*  
*Cystal Hoadley*  
*Tim Schram*  
*Don Watson*

*Mary Keddin*

Chair

ATTEST:

*Michael P. Hyatt*  
Executive Director