

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Docket No. B-1343
Public Service Commission, on)
its own motion, to Denver)
Coach, Inc., Scottsbluff, to) ORDER TO SHOW CAUSE AND
show cause why the Commission) SCHEDULE HEARING
should not revoke its)
Certificate of Public)
Convenience and Necessity.) ENTERED: November 4, 2020

BY THE COMMISSION:

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

The Nebraska Public Service Commission ("Commission"), on its own motion, is seeking to require Denver Coach, Inc. ("Denver Coach"), to show cause as to why the Certificate of Public Convenience and Necessity granted to Denver Coach, Scottsbluff, in Certificate B-1343, should not be revoked.

Neb. Rev. Stat. § 75-305(1) requires all regulated motor carriers to pay an annual fee not exceeding eighty dollars (\$80) for each motor vehicle operated. Annual fees are due and payable to the Commission on or before January 1 and are delinquent March 1.¹ Denver Coach failed to pay its annual renewal fee as required by § 75-305(1) and was therefore named a Respondent in a Departmental Complaint opened on March 10, 2020.²

On April 29, 2020, Wally Schlager, owner of Denver Coach, was personally served a copy of the Complaint and all related Orders by the Scotts Bluff County Sheriff's Office. Prior to the hearing, Commission staff spoke with Mr. Schlager, who indicated the annual renewal would be paid. Hearing on the Complaint was held May 5, 2020. Denver Coach did not appear at the hearing.

¹ Neb. Rev. Stat. § 75-305(3) (Supp. 2015).

² See Docket MCC-3196.02 *Jamie Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska COMPLAINANT vs. Alpha Life Improvement Services; Big A Holdings, LLC d/b/a OMALiNK; Big O's Party Bus, LLC; Bus at the Yard d/b/a Luxury Limousine; Careem Transportation, LLC; Daniel's Moving & Storage of Omaha, LLC; Denver Coach, Inc.; First Student d/b/a First Student, Inc.; Ford Storage & Moving Co.; Good Times Limousine, Inc.; Kelly DeSive; King's Moving; Modest Movers, LLC d/b/a Middle West Movers; Nebraska Taxi, LLC; Night Life Limousine, LLC; Omaha Omaha Handicap Transportation Services; Rapid Shuttle Service; Roadrunner Bus, LLC; Ronald D. Allgood d/b/a Tree City Cab Company; Siouxland Paramedics, Inc.; T and T Party Bus, LLC d/b/a T & T Limousines; and The Wine Bus, LLC, RESPONDENTS*, Order Dismissing in Part and Sustaining in Part, (Entered June 30, 2020).

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On June 30, 2020, the Commission entered an Order sustaining the Complaint and ordered Denver Coach to complete all outstanding compliance within fifteen (15) days after the effective date of the Order or be subject to further Commission action.³ The Order stated that additional action could include assessment of a three-thousand, eight-hundred dollar (\$3,800) fine as calculated by the transportation department's annual renewal fining policy.⁴

To date, Denver Coach has not taken action to resolve the Complaint or pay the annual fee. Denver Coach has also been unresponsive to the Department's subsequent communication attempts.

After due consideration of the circumstances, the Commission finds that Denver Coach, Inc., Scottsbluff, should be ordered to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked for failure timely remit annual renewal fees in accordance with Neb. Rev. Stat. § 75-305(1). Therefore, hearing on this matter shall be held on **Monday, November 16, 2020 at 1:30 p.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska. To comply with Directed Health Measures, seating will be limited for public in-person attendance. Remote access to the hearing will be available via WebEx and telephone. Information for connecting may be accessed at the following link: <http://tiny.cc/PSCWebex> (case sensitive). To attend by phone, dial 415-655-0003, then enter 926 343 190 when prompted for the access code.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearing, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Denver Coach, Inc., Scottsbluff, be, and is hereby, ordered to show cause as to why its Certificate of

³ *Id.* at 10.

⁴ *Id.* at 9

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Public Convenience and Necessity should not be revoked for failure to timely remit annual fees in accordance § 75-305(1).

IT IS FURTHER ORDERED that hearing on this matter shall be scheduled for **Monday, November 16, 2020 at 1:30 p.m.** as provided herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 4th day of November, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rock Johnson
Crystal Hender
Tim Schram
Don Watson

Mary Kadden
Chair

ATTEST:

Michael S. Hyatt
Executive Director