

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Docket No. B-1794  
Public Service Commission, on )  
its own motion, to Big O's )  
Party Bus, LLC, Columbus, 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 Big O's Party Bus, LLC ("Big O's"), to show cause as to why the Certificate of Public Convenience and Necessity granted to Big O's, Columbus, in Certificate B-1794, 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.<sup>1</sup> Big O's 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.<sup>2</sup>

Hearing on the Complaint was held May 5, 2020. Mr. Todd Oborny made a statement on behalf of Big O's, detailing the efforts made by Big O's to pay its annual renewal.<sup>3</sup> Prior to and after the hearing, department staff spoke with Mr. Oborny

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<sup>1</sup> Neb. Rev. Stat. § 75-305(3) (Supp. 2015).

<sup>2</sup> 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).

<sup>3</sup> *Id.* at 2.

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regarding the steps Big O's must take to come back into compliance with the Commission.

On June 30, 2020, the Commission found that Big O's should pay a civil penalty of one-thousand seven-hundred dollars (\$1,700), but allowed payment of the fine in partial amounts over time.<sup>4</sup> Further, the Commission stated that failure to pay the penalty within thirty (30) days from the mailing of the Order may result in the matter being referred to the Nebraska Attorney General's Office for collection through the District Court of Lancaster County and further Commission action.<sup>5</sup> A stipulated agreement was sent to Big O's via certified mail but was returned as undeliverable. To date, no action has been taken by Big O's to resolve the Complaint or respond to the Department's subsequent communication attempts.

After due consideration of the circumstances, the Commission finds that Big O's Party Bus, LLC, Columbus, 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 Big O's Party Bus, LLC, Columbus, be, and is

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<sup>4</sup> *Id.* at 8.

<sup>5</sup> *Id.* at 10-11.

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hereby, ordered to show cause as to why its Certificate of 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 4<sup>th</sup> day of November, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chair

ATTEST:

  
Executive Director