

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Docket No. B-1880
Public Service Commission, on)
its own motion, to require)
Nebraska Taxi, LLC, Lexington,) ORDER SUSTAINING SHOW
to show cause why the) CAUSE AND REVOKING
Commission should not revoke) CERTIFICATE B-1880
its Certificate of Public)
Convenience and Necessity.)
ENTERED: December 8, 2020

BY THE COMMISSION:

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

On June 30, 2020, the Nebraska Public Service Commission ("Commission") entered an Order to dismiss in part and sustain in part a complaint that was filed by Jamie Reyes, Director of the Motor Transportation Department, against numerous carriers for failure to timely remit annual renewal fees in accordance with Neb. Rev. Stat. § 75-305. In its Order, the Commission found that Nebraska Taxi, LLC ("Nebraska Taxi"), Lexington, did not timely remit its annual renewal and is ineligible for a waiver of the accrued civil penalty. The Commission further found that Nebraska Taxi should pay both its annual renewal fee and a civil penalty of Three-Thousand, Eight-Hundred dollars (\$3,800).¹

On November 4, 2020, the Commission ordered Nebraska Taxi to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked for failure to timely remit annual renewal fees in accordance with Neb. Rev. Stat. § 75-305(1).²

¹ See Docket MCC-3196.02 *Jamie l. Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska COMPLAINT 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; 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).*

² See Docket B-1343 *In the Matter of the Nebraska Public Service Commission, on its own motion, to Nebraska Taxi, LLC, Lexington, to show cause why the Commission should not revoke its Certificate of Public Convenience and Necessity, Order to Show Cause and Schedule Hearing (Entered November 4, 2020).*

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A show cause hearing was held on November 16, 2020, in the Commission Hearing Room and simultaneously via electronic means in accordance with the local public safety guidelines issued as a result of the COVID-19 pandemic. Notice of the Hearing was published in The Daily Record on November 6, 2020. Ms. Jamie Reyes and Mr. Dillon Keiffer-Johnson appeared on behalf of Commission Staff. No one appeared on behalf of Nebraska Taxi.

E V I D E N C E

Ms. Jamie Reyes, Director of the Motor Transportation Department, began by describing the authority and operations of Nebraska Taxi. Ms. Reyes stated that Nebraska Taxi is one of the smaller taxi carriers within the State of Nebraska. She explained the carrier has one vehicle registered under its authority. Nebraska Taxi is permitted to provide transportation by taxi within Dawson County on the one hand, and then points in Nebraska over irregular routes on the other hand.³ In later testimony, Ms. Reyes stated that Nebraska Taxi did not pay its annual renewal for its one vehicle required by Neb. Rev. Stat. § 75-305; which would have been in the amount of fifty dollars (\$50). As a result, Nebraska Taxi was assessed a Three-Thousand, Eight-Hundred dollar (\$3,800) fine. Ms. Reyes also testified that Nebraska Taxi does not have current insurance on file with the Commission as required by Neb. Rev. Stat. § 75-307.⁴

Ms. Reyes then testified to the extensive outreach efforts the department has done regarding the annual renewal complaint. She then explained that at the time of the hearing Commission staff had not been able to contact any representatives from Nebraska Taxi. Ms. Reyes described that notices had been sent via mail, email, and telephone and that none of those outreach efforts had prompted any sort of response from the carrier. She further explained that all mail notices sent were returned to the department as either undeliverable or unclaimed.⁵ Ms. Reyes also stated that notice of the hearing was published in The Daily Record, as show in Exhibit 7, and that the Dawson County Sheriff's Department's assistance was requested to effectuate personal service. She testified that just prior to the hearing, the department received a Return of Service Affidavit showing that Mr. Nuridin Nur, owner of Nebraska Taxi, was served a copy of the show

³ *Hrg. Transcr.* 8:18 - 8:24 (November 16, 2020).

⁴ *Id.* at 8:25 - 9:15.

⁵ *Id.* at 9:16 - 9:24.

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cause order on November 9, 2020.⁶ Ms. Reyes stated that the service date would have provided Mr. Nur with sufficient time to contact Commission staff regarding this proceeding. However, no such outreach had been received by the department.⁷

Ms. Reyes recommended that since the carrier failed to appear at the hearing, has been out of compliance for some time, and had yet to take any affirmative actions in order to come back into compliance, the certificate for Nebraska Taxi be revoked.⁸

In response to Commissioner questions, Ms. Reyes clarified that Nebraska Taxi's insurance has been canceled since December 3, 2019.⁹ Ms. Reyes also stated that there would be no other taxi operations in the Lexington/Dawson County area. She noted that Nebraska Taxi was the only taxi service exclusively in Lexington. Ms. Reyes further explained that there would be public transit options and open class carriers that operate in that area that would provide residents with transportation options.¹⁰

Commission staff offered Exhibits 1 through 8, which were received into evidence.

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

Nebraska Taxi, LLC, is a common carrier regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. Seq. (2018), § 75-301 et. Seq. (2018), and Title 291, NAC Ch.3 of Commission Rules and Regulations.

Neb. Rev. Stat. § 75-315 states that certificates may be revoked after notice and hearing for willful failure to comply with Nebraska statutes governing the Commission, any Commission rule or regulation, or any term, condition, or limitation of the certificate. 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. Additionally, Commission Rule 004.02 requires all motor carriers to pay annual per-vehicle fees to the Commission each January in order to receive vehicle identification cards for each vehicle registered with the Commission. All regulated motor

⁶ *Id.* at 9:25 - 10:13.

⁷ *Id.* at 10:14 - 10:18.

⁸ *Id.* at 10:19 - 10:23.

⁹ *Id.* at 11:3 - 11:8.

¹⁰ *Id.* at 11:11 - 12:3.

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carriers must also comply with Commission Rule 006.01 and 006.05, which requires carriers to hold current motor carrier insurance with minimum amounts of coverage and to ensure the Commission has certain filings reflecting such coverage, respectively.

Nebraska Taxi has failed to respond to any Commission outreach efforts regarding its responsibilities laid out in the Commission's June 30, 2020 Order. Testimony given at the hearing details the countless actions Commission staff have undertaken to contact Nebraska Taxi representatives prior to the entry of the November 4, 2020 Order to Show Cause. Attempts were made via telephone, email, and physical mail to contact the carrier. All proved to be futile. The help of the Dawson County Sheriff's Department was also enlisted to assist in providing notice to the carrier of this proceeding. Even then the carrier failed to contact the Commission to ascertain the circumstances surrounding its authority. Furthermore, no representative for Nebraska Taxi appeared at the November 16, 2020 hearing to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked. Finally, Nebraska Taxi has not had current insurance on file with the Commission for some time.

In consideration of the evidence presented and staff recommendation, the Commission finds that the authority granted to Nebraska Taxi, LLC, in Docket No. B-1880 should be revoked. Any services that may currently be provided by Nebraska Taxi must cease. Additionally, any vehicle plates assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity granted to Nebraska Taxi, LLC, Lexington, in Docket No. B-1880 be, and is hereby, revoked.

IT IS FURTHER ORDERED that the carrier revoked herein shall cease and desist providing service in the State of Nebraska as of the effective date of this Order. Any vehicle plates assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 8th day of December, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Executive Director