

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. B-2015
of Prosperity Properties, Inc.,)
d/b/a Omaha Supportive Living,)
Omaha, seeking authority as a)
common carrier in Nebraska)
intrastate commerce in the)
transportation of passengers by) GRANTED AS AMENDED
sedan and van between points in)
Douglas County over irregular)
routes. RESTRICTIONS: The)
transportation of railroad train)
crews and their baggage is not)
authorized. HHS Designation:)
Yes.) Entered: April 13, 2021

BY THE COMMISSION:

On April 6, 2020, Prosperity Properties, Inc., d/b/a Omaha Supportive Living ("Applicant") Omaha, filed an application seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by sedan and van between points in Douglas County 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 April 7, 2020. Timely protests were filed by Camelot Transportation, Inc.; Triumph Transportation, Inc.; WHC NE, LLC d/b/a zTrip d/b/a Airport Transportation d/b/a Van GO and My Sedan; 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 (Collectively "zTrip"). Protests were granted on August 21, 2020.

On December 7, 2020, Applicant filed a motion to amend its application. On December 22, 2020, the Hearing Officer granted Applicant's motion to amend its application by changing its proposed status to a contract carrier instead of a common carrier by sedan and van between points in Douglas County over irregular routes with HHS Designation. On January 11, 2021, Camelot Transportation, Inc. and Triumph Transportation, Inc. filed requests to withdrawal their protests, which were granted on January 29, 2021. On February 18, 2021, the zTrip companies filed requests to withdrawal their protests, which were granted on

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February 22, 2021. Because Applicant's application amendment restricted its proposed services in comparison to its original authority request, no additional public notice of the application was required. Application B-2015 was then processed pursuant to the Commission's Rule of Modified Procedure.

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

Applicant is Nebraska Corporation with its principal place of business in Omaha, Nebraska. Applicant seeks to provide passenger transportation for its own residential clients or individuals who receive services from Applicant. Applicant will provide its services utilizing one vehicle.

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 proposed service, and to conform to the provisions of NEB. REV. STAT. §§ 75-301 to 75-322 (Cum. Supp. 2020) and the requirements, rules and regulations of the Commission thereunder.
2. Upon compliance with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Cum. Supp. 2020), and with the rules and regulations of the Commission, a Permit of Authority should be issued as proposed:

PERMIT AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

CONTRACT: Transportation of passengers who are residential clients and/or individuals receiving services from Omaha Supportive Living by sedan and van in open class service between points in Douglas County over irregular routes pursuant to service contracts with Prosperity Properties, Inc. d/b/a Omaha Supportive Living. HHS Designation: Yes-limited to clients transported pursuant to contract.

3. The application for authority should be granted.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-2015 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Permit of Authority shall be issued to Prosperity Properties, Inc., d/b/a Omaha Supportive Living, Omaha, Nebraska in Application No. B-2015, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that Applicant shall not be issued the Permit of Authority 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) (Cum. Supp. 2020), and with the rules and regulations of the Commission, and if upon expiration of such time Applicant has not complied with such terms and conditions, this Order shall, after reasonable notice to Applicant, be of no further force and effect.





IT IS FURTHER ORDERED that Applicant shall not conduct operations until a Permit of Authority is issued.

IT IS FURTHER ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 13th day of April, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Executive Director