

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. BR-599/B-2021  
of Dillard-Lewis, Inc. d/b/a )  
Highland Express Shuttle )  
Service, Raleigh, North )  
Carolina, seeking to establish ) ORDER GRANTING RATES  
its rates and charges subject to )  
the Provisions of Neb. Rev. )  
Stat. Chapter 75, Articles 1 and )  
3. ) Entered: May 25, 2021

BY THE COMMISSION:

By Application filed April 5, 2021, Dillard-Lewis, Inc., d/b/a Highland Express Shuttle Service ("Applicant"), Raleigh, North Carolina, seeks to establish its initial rates as follows:

<u>Description</u>	<u>Proposed Rate</u>
North Platte to Kearney, Grand Island, Lincoln, Omaha, then back to North Platte	\$8,170/monthly charter
Additional days	\$408
Medical charter: Omaha military processing station to medical facilities/offices	\$3,060/monthly charter
Airport Charter: Omaha military entrance processing station or hotel to airport	\$3,605/monthly charter

Notice of the application was published in The Daily Record, Omaha, Nebraska. No protests were filed.

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

Applicant is a North Carolina corporation with its principal office in Raleigh, North Carolina and registered agent in Lincoln, Nebraska. Applicant was granted authority as a contract carrier under Docket B-2021 to transport passengers by van in open class service over regular routes between North Platte and Omaha serving recruiting stations at intermediate points, and between points in Burt, Cass, Dodge, Douglas, Lancaster, Otoe, Sarpy, Saunders, and Washington counties over irregular routes pursuant to contract with the United States Department of Defense ("DOD") and Transcor, Inc. HHS Designation

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is no. Applicant provides its transportation on routes directed by the contract.

Applicant is seeking to establish its initial published rates to provide its contracted transportation services. The service rates are for monthly charter options. Applicant's days of service will be Sunday through Thursday for its North Platte-Kearney-Grand Island-Lincoln-Omaha-North Platte route, and Monday through Friday for its medical charter and airport charter routes.

The Commission would usually review these rates using the guidance of Neb. Rev. Stat. § 75-304.01, which states that the Commission shall prescribe minimum rates, fares, and charges for contract carriers. Contract carriers shall not demand, charge, or collect less compensation for transportation than the charges to be made by common carriers for the same transportation.

Under the statute, the Commission would review the rates of common carriers providing the same service to determine whether the contract carrier is proposing to charge less than the reviewed rates. In the present case, any common carriers authorized as a DOD transportation carrier, like Applicant, would have their own contract rates to provide the military transportation services which may differ from the rates they would charge to the general public as allowed under Neb. Rev. Stat. § 75-126.<sup>1</sup> As such, it is difficult to ascertain the lowest rate charged by a common carrier providing the same services provided by Applicant. Additionally, Applicant has already entered into its agreement with the DOD, which includes these proposed rates. Based on the circumstances and the existing contract, the Commission finds that the proposed rates should be approved.

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 effective May 30, 2021. No reduction shall be made in any such charge except after ten (10) days' notice of the proposed change to the Commission. The notice should state the changes and when the changes will take effect.

O R D E R

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<sup>1</sup> See Neb. Rev. Stat. § 75-126, which allows a common carrier to provide services to the United States government at a free or reduced rate.

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IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Dillard-Lewis, Inc., Inc., d/b/a Highland Express Shuttle Service, Raleigh, North Carolina, be, and is hereby, authorized to establish its rates for its services effective May 30, 2021 as follows:




<u>Description</u>	<u>Rate</u>
North Platte to Kearney, Grand Island, Lincoln, Omaha, then back to North Platte	\$8,170/monthly charter
Additional days	\$408
Medical charter: Omaha military processing station to medical facilities/offices	\$3,060/monthly charter
Airport Charter: Omaha military entrance processing station or hotel to airport	\$3,605/monthly charter

IT IS FURTHER ORDERED that no reduction shall be made in any such charge except after ten (10) days' notice of the proposed change to the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25<sup>th</sup> day of May, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chair

ATTEST:

  
Executive Director