

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| Jamie L. Reyes, Director, Motor  | ) | Docket No. MCC-3196.03     |
| Transportation Department,       | ) |                            |
| Nebraska Public Service          | ) |                            |
| Commission, Lincoln, Nebraska    | ) |                            |
|                                  | ) |                            |
| COMPLAINANT,                     | ) |                            |
|                                  | ) |                            |
| vs.                              | ) |                            |
|                                  | ) |                            |
| 9 Line Medical Solutions, LLC;   | ) |                            |
| Alpha Life Improvement Services; | ) |                            |
| Ambassador Transportation, LLC;  | ) |                            |
| Big O's Party Bus, LLC; Black    | ) |                            |
| Diamond S & S; Bus at the Yard   | ) |                            |
| d/b/a Luxury Limousine; Daniel's | ) |                            |
| Moving & Storage of Omaha;       | ) |                            |
| FunFamily Party Bus, LLC;        | ) | ORDER DISMISSING, IN PART, |
| Laidback Limousine, Inc.;        | ) | AND SUSTAINING, IN PART    |
| Limousine Services, LLC; Medics  | ) |                            |
| At Home Inc.; Midwest Medical    | ) |                            |
| Transport Co., LLC; Murphy       | ) |                            |
| Moving, Inc.; National Arbor Day | ) |                            |
| Foundation; National Health      | ) |                            |
| Transport, Inc.; Nebraska        | ) |                            |
| Excellent Health Transport;      | ) |                            |
| Omaha Ambulance Service, Inc.;   | ) |                            |
| Omaha Omaha Handicap Trans.      | ) |                            |
| Serv.; Premier Limousine, LLC;   | ) |                            |
| Ride the Good Life, LLC; Royal   | ) |                            |
| Limousine Service; Safe Ride     | ) |                            |
| Shuttle; Smiley's; SNP           | ) |                            |
| Consulting Services; Travel Plus | ) |                            |
| Limousines; and Unity            | ) |                            |
| Transportation Services, Inc,    | ) |                            |
|                                  | ) |                            |
| RESPONDENTS.                     | ) | ENTERED: June 8, 2021      |

BY THE COMMISSION:

On March 2, 2021, Jamie L. Reyes, Director of the Motor Transportation Department ("Complainant") filed a complaint against the above-captioned Respondents alleging violation of Neb. Rev. Stat. § 75-305 (Cum. Supp. 2020). Complainant alleges that Respondents failed to timely file annual fees as required by § 75-305 by March 1, 2021. Complainant seeks an order revoking

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Respondents' Certificates of Public Convenience and Necessity or Permits of Authority and to require Respondents to cease and desist offering services as motor carriers pursuant to § 75-133, and/or to assess any such fines authorized by law for failure to remit annual fees in compliance with § 75-305.

On March 16, 2021, the Commission entered an Order to Show Cause and scheduled the matter for hearing. Notice of the hearing was published in The Daily Record, Omaha, Nebraska, on March 18, 2021. Notice of the hearing was also sent to all Respondents via certified U.S. Mail, return receipt requested, and by personal service to the following Respondents: Laidback Limousine, Inc.; Big O's Party Bus; Safe Ride Shuttle; National Health Transport, Inc.; and Nebraska Excellent Health Transport.

On March 30, 2021, the Commission entered an Order dismissing the following Respondents from the Complaint: Medics at Home, Inc.; Omaha Ambulance Service, Inc.; Omaha Omaha Handicap Transportation Services; Cornbelt Development d/b/a Travel Plus Limousine; Unity Transportation Services, Inc.; National Arbor Day Foundation; Ambassador Transportation; and FunFamily Party Bus, LLC. On April 13, 2021, the Commission entered an Order dismissing 9 Line Medical Solutions, LLC and Midwest Medical Transport Company, LLC from the Complaint.

Hearing on this matter was held on May 4, 2021, via WebEx video conference. Mr. Dillon Keiffer-Johnson and Ms. Jamie Reyes appeared on behalf of Commission staff. No appearances were made on behalf of any named Respondent.

### E V I D E N C E

Ms. Jamie Reyes, Transportation Department Director, provided a statement to the Commission regarding the status of remaining Respondents and the Department's recommendations.

First, Ms. Reyes reported that Authority B-1951 Black Diamond S&S, Scottsbluff, paid its annual renewal fee prior to March 1, 2021 and completed the annual renewal on March 24, 2021. Ms. Reyes recommended that Black Diamond S&S be dismissed from the Complaint.<sup>1</sup>

Next, Ms. Reyes stated that Authority B-1839 Safe Ride Shuttle, Nebraska City, paid its annual renewal fee prior to March

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<sup>1</sup> Hrg. Trans. 14:14-22 (May 19, 2021).

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1, 2021 but had not verified its vehicle list. However, Respondent filed a revocation form with the Commission. The Department therefore recommended dismissing Safe Ride Shuttle from the Complaint and continue processing the revocation request.<sup>2</sup>

Next, Ms. Reyes discussed Authority B-1885 National Health Transportation, Inc., Bennington. Ms. Reyes stated that Respondent accrued a three-thousand eight-hundred dollar (\$3800) fine and that Respondent was not eligible to waive the fine because it had been named a Respondent in a prior complaint. Ms. Reyes stated that Respondent filed an application to suspend its authority until March 31, 2022 and that Respondent is not currently operating. Ms. Reyes explained that Respondent's application noted diminished transportation services due to the pandemic. Ms. Reyes then recommended that the suspension application be processed, and National Health Transportation be dismissed from the Complaint.<sup>3</sup>

Ms. Reyes then discussed Authority B-1996 Nebraska Excellent Health Transport of Omaha. Ms. Reyes stated that Respondent accrued a fine of three-thousand eight-hundred dollars (\$3800) and is eligible to request a waiver of the fine. Ms. Reyes then stated that Respondent filed an application to suspend its authority and recommended that Nebraska Excellent Health Transport be dismissed from the Complaint and the suspension application be processed.<sup>4</sup>

Next, Ms. Reyes discussed Authority B-1933 Ride the Good Life of Omaha. Ms. Reyes stated that Respondent completed all annual renewal requirements on April 29, 2021. Respondent accrued a three-thousand three-hundred dollar (\$3300) fine and filed a request with the Department to waive payment of the fine the evening prior to the hearing. Ms. Reyes recommended that the Commission accept the request to waive the accrued fine and dismiss Ride the Good Life from the Complaint.<sup>5</sup>

Ms. Reyes next discussed Authority B-1909 Bus at the Yard d/b/a Luxury Limousine of Lincoln. Ms. Reyes stated that Respondent completed all annual renewal requirements on March 31, 2021. Respondent accrued a four-hundred dollar (\$400) fine and is not eligible to waive the fine because it had been named a Respondent in a prior complaint. Ms. Reyes noted that Respondent had not paid the fine or entered into a stipulated agreement with the Department

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<sup>2</sup> Id. at 14:23-15:8.

<sup>3</sup> Id. at 15:9-16:4.

<sup>4</sup> Id. at 15:5-16:16.

<sup>5</sup> Id. at 16:17-

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as of the hearing date. Therefore, Ms. Reyes recommended that the Commission assess the \$400 fine to Bus at the Yard d/b/a Luxury Limousine and not lift the ongoing authority suspension until the fine is satisfied.<sup>6</sup>

Next, Ms. Reyes discussed Authority B-1921 Alpha Life Improvement Services of Omaha. Ms. Reyes stated that Respondent paid its annual renewal fees prior to March 1, 2021 and did not accrue a fine. Respondent had not confirmed its vehicle list or filed proof of insurance as of the hearing date. Ms. Reyes informed the Commission that Respondent had been in contact with staff regarding its plans and compliance requirements and recommended that the Commission grant Alpha Life Improvement Services an additional twenty (20) days to complete its remaining compliance requirements.<sup>7</sup>

Next, Ms. Reyes stated that two Omaha authorities, Authority B-1577 Laidback Limousine and Authority B-1618 Royal Limousine Services, have not operated for some time. Respondents have common ownership. Ms. Reyes stated that annual renewal fees have not been paid for either Respondent, and each Respondent has therefore accrued a fine of three-thousand eight-hundred dollars (\$3,800). Respondents are each eligible to request a waiver of accrued penalties. Ms. Reyes informed the Commission that staff have been in contact with the owner regarding its plans and the process required to suspend the authorities. Ms. Reyes recommended that the Commission grant Laidback Limousine and Royal Limousine Services twenty (20) days to complete its annual renewal requirements or file an application to suspend the authorities. Upon receiving a question regarding the accrued fine, Ms. Reyes stated that Respondents could be given an opportunity to file a written request to waive any accrued penalties.<sup>8</sup>

Ms. Reyes next discussed Authority B-1994 SNP Consulting Services of Elkhorn. Ms. Reyes stated that Respondent had accrued a fine in the maximum amount of three-thousand eight-hundred dollars (\$3800) and had not operated for some time, indicating severe impact due to the pandemic. Respondent was informed of the suspension procedure but had not filed an application as of the hearing date. Ms. Reyes recommended that SNP Consulting Services

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<sup>6</sup> Id. at 17:6-22.

<sup>7</sup> Id. at 17:23-18:25.

<sup>8</sup> Id. at 19:10-21:17.

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be given twenty (20) days to file an application to suspend its authority or complete its annual renewal requirements.<sup>9</sup>

Regarding Authority M-14147 Murphy Moving, Incorporated of Omaha, Ms. Reyes stated that staff spoke with Respondent about options for the authority. Ms. Reyes noted that Respondent needed clarification about where annual renewal payments and documents needed to be sent. Respondent accrued the maximum fine of three-thousand eight-hundred dollars (\$3,800) and is not eligible to request the fine be waived. Ms. Reyes recommended that Murphy Moving be given twenty (20) days to complete the annual renewal requirements and pay the accrued fine.<sup>10</sup>

Finally, Ms. Reyes discussed Authority B-1761 Limousine Services, LLC of Omaha, Authority B-1794 Big O's Party Bus, LLC of Columbus, Authority B-1864 Smiley's of Hooper, Authority B-2013 Premier Limousine, LLC of Kearney, and Authority M-14224 Daniel's Moving and Storage of Omaha in Phoenix, Arizona. Ms. Reyes stated that Respondent Daniel's Moving is the one Respondent that had not contacted Commission staff regarding the Complaint. Ms. Reyes noted that Respondents had accrued the maximum fine of three-thousand eight-hundred dollars (\$3,800) and there is no indication that Respondents wish to continue to operate. Ms. Reyes therefore recommended that the Commission revoke the authority for Limousine Services, LLC, Big O's Party Bus, LLC, Smiley's, Premier Limousine, and Daniel's Moving and Storage of Omaha. Ms. Reyes also recommended that a fine in the amount of \$3,800 be assessed to each Respondent.

When asked what would happen after granting additional time to a carrier, Ms. Reyes stated the Commission would initiate a show-cause proceeding for each carrier that failed to complete what was ordered of the Commission to do in order to revoke that carrier's certificate.<sup>11</sup> In response to a question about HHS transportation, Ms. Reyes opined that three Respondents held HHS Designation, and reported some difficulties for HHS to contact only one Respondent.<sup>12</sup>

Exhibits one through eight were entered and received into evidence. The hearing concluded with no additional entries of appearance besides Commission staff.

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<sup>9</sup> Id. at 22:20-22:16.

<sup>10</sup> Id. at 22:24-24:4.

<sup>11</sup> Id. at 26:2-23.

<sup>12</sup> Id. at 27:15-28:21.

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

The motor carriers subject to this Complaint are regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. seq. (Supp. 2015), §§ 75-301 et. seq. (Cum. Supp. 2016), and Title 291, NAC Chapter 3 of Commission Rules and Regulations.

Neb. Rev. Stat. § 75-305(1)-(2) requires all regulated motor carriers to pay an annual fee in an amount determined by the Commission not to exceed eighty dollars (\$80) on each motor vehicle operated. Annual fees are due and payable to the Commission on or before January 1 and are considered delinquent March 1.<sup>13</sup>

The Commission may assess any penalty or grant any relief allowed by law, including ordering carriers to cease and desist operations or revoke the certificates of public convenience and necessity after notice and hearing. As of the hearing date, all but 16 Respondents had been dismissed by Commission Order. The Commission's findings regarding each remaining Respondent is detailed below.

### *Black Diamond S&S*

Black Diamond S&S, Scottsbluff, completed all requirements to bring its Certificate into good standing prior to the hearing. Evidence shows that the carrier paid its annual fee prior to March 1, 2021, so the carrier will not be assessed any penalties. Based on the evidence presented, the Commission finds that Black Diamond S&S should be dismissed from the Complaint.

### *Ride the Good Life*

Ride the Good Life, Omaha, has complied with all requirements to bring its Certificate into good standing prior to the hearing. The carrier paid its annual renewal after March 1, 2021 and subject to administrative penalties in the amount of \$3,300. However, Ride the Good Life was eligible to request a one-time waiver of said penalties, which it requested on May 4, 2021.

The Commission finds that Ride the Good Life's request for a one-time waiver of penalties is granted. Ride the Good Life is on notice that failure to remit future annual fee payments on time may result in Commission action. Additionally, the Commission

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<sup>13</sup> Neb. Rev. Stat. § 75-305(3) (Supp. 2015).

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finds that Ride the Good Life, Omaha, should be dismissed from the Complaint.

*Safe Ride Shuttle; National Health Transport, Inc.; Nebraska Excellent Health; SNP Consulting Services*

Safe Ride Shuttle, Nebraska City, paid its renewal prior to March 1, 2021 and thus was not assessed a penalty. However, Respondent had not completed its vehicle confirmation prior to the hearing. Ultimately, Respondent decided to voluntarily cancel its Certificate and filed a revocation application. Therefore, the Commission finds that the Complaint as to Safe Ride Shuttle should be dismissed. The revocation application will be processed in a separate docket.

Additionally, three carriers have not paid the required annual fees: National Health Transport Inc., Bennington; Nebraska Excellent Health, Omaha; and SNP Consulting Services, Elkhorn. Each carrier has filed an application requesting suspension of its Certificate. Each carrier noted the negative effects of the ongoing Covid-19 pandemic to their operations. Based on these requests, the Commission finds that the Complaint against Nebraska Health Transport, Inc., Nebraska Excellent Health, and SNP Consulting Services should be dismissed. Each suspension application will be processed in a separate docket.

*Bus at the Yard d/b/a Luxury Limousine*

Bus at the Yard d/b/a Luxury Limousine, Lincoln, paid its annual fees after March 2, 2021 and accrued a penalty in the amount of \$400. Luxury Limousine is not eligible for a waiver of any penalties and did not appear at the hearing.

The Commission finds that the Complaint as to Bus at the Yard, d/b/a Luxury Limousine, Lincoln, should be sustained. Respondent shall be assessed a penalty of four-hundred dollars (\$400). Commission Rule of Procedure 007.06B requires any penalty assessed be paid within thirty (30) days from the date the Order is mailed. Failure to pay the penalty may result in the Commission pursuing revocation of the Certificate and the matter being referred to the Nebraska Attorney General's Office for collection through the District Court of Lancaster County. Additionally, no subsequent applications for authority will be allowed until the penalty is satisfied and the carrier is returned to good standing.



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The Commission also finds that Bus at the Yard d/b/a Luxury Limousine shall continue to cease and desist all operations as ordered under the Commission's February 2, 2021 Order in Docket MT-0001.01 until such time as the penalty is paid and the carrier is returned to good standing.

### *Alpha Life Improvement Services*

Alpha Life Improvement Services, Omaha, paid its annual fees prior to March 1, 2021 and has therefore not accrued a penalty. However, Respondent has not filed its vehicle equipment list or confirmation of liability insurance. Confirmation of such information is required to ensure that the annual fee payments are associated with the correct vehicle and that all vehicles used in Respondent's transportation service are currently insured.

Based on the above, the Commission finds that the Complaint against Alpha Life Improvement Services be sustained. Alpha Life must provide Commission staff with its remaining compliance documents no later than twenty (20) days from the effective date of this Order. Failure to do so may result in further Commission action.

### *Laidback Limousine, Inc.; Royal Limousine Service*

Laidback Limousine, Inc., Omaha, and Royal Limousine Service, Omaha, have not paid the required annual fees and have accrued a penalty in the amount of three-thousand eight-hundred dollars (\$3800) each. Each Respondent is eligible for a waiver of the penalty. Prior to the hearing, Respondents notified Commission staff of the desire to file an application to suspend operations. Neither company is currently providing transportation services. Commission staff informed Respondents of the steps necessary to suspend the certificates. As of the date of this Order, the Commission has not received the required application filings nor has the company made any attempts to satisfy its compliance requirements.

The Commission finds that the Complaint against Laidback Limousine, Inc., and Royal Limousine Service should be sustained and that penalties should be assessed in the amount of three-thousand eight-hundred dollars (\$3800) for each Respondent. Each Respondent is also responsible for paying its annual fees for each vehicle to be used to provide transportation services.



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Commission Rule of Procedure 007.06B requires any penalty assessed be paid within thirty (30) days from the date the Order is mailed. As each Respondent is eligible for a waiver of these penalties, Respondents may file a written waiver request to the Commission that explains why the annual renewal is delinquent. Waiver requests or penalty payments must be received within thirty (30) days from the date the Order is mailed. Failure to pay the penalty may result in the Commission pursuing revocation of the Certificate and the matter being referred to the Nebraska Attorney General's Office for collection through the District Court of Lancaster County. Additionally, no subsequent applications for authority will be allowed until the penalty is satisfied.

*Murphy Moving, Inc.*

Murphy Moving, Inc., Omaha, has not paid the required annual fees and has accrued a penalty in the amount of three-thousand eight-hundred dollars (\$3800). Respondent is not eligible to request a waiver of the penalty. Prior to the hearing, Respondent discussed its options with Commission staff and is not currently providing services. Commission staff informed Respondent of the steps necessary to suspend the certificate or complete its required compliance. As of the date of this Order, the Commission has not received any further communication nor has the company made any attempt to satisfy its compliance requirements.

The Commission finds that the Complaint against Murphy Moving, Inc. should be sustained and that a penalty should be assessed in the amount of three-thousand eight-hundred dollars (\$3800). Respondent must pay its annual fees for each vehicle to be used to provide transportation services, confirm its vehicle list, and provide proof of current insurance.

Commission Rule of Procedure 007.06B requires any penalty assessed be paid within thirty (30) days from the date the Order is mailed. Payment must be received within thirty (30) days from the date the Order is mailed. Failure to pay the penalty may result in the Commission pursuing revocation of the Certificate and the matter being referred to the Nebraska Attorney General's Office for collection through the District Court of Lancaster County. Additionally, no subsequent applications for authority will be allowed until the penalty is satisfied.

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*Smiley's*

Respondent Smiley's, Columbus, did not pay the annual fee prior to March 1, 2021 and accrued a penalty of three-thousand eight-hundred dollars (\$3,800). Respondent notified Commission staff that the carrier had ceased operations and was informed that a revocation application would be required to dismiss the carrier from the Complaint. After the hearing, Respondent filed an application to cancel and revoke its certificate of authority. The Commission will process this application in a separate docket and dismiss Smiley's from this Complaint.

*Limousine Services, LLC; Big O's Party Bus, LLC; Premier Limousine, LLC; Daniel's Moving & Storage of Omaha*

Two Respondents- Big O's Party Bus, LLC, Columbus, and Premier Limousine, LLC, Kearney- did not pay the annual fee prior to March 1, 2021 and accrued a penalty of three-thousand eight-hundred dollars (\$3,800) each. Each Respondent notified Commission staff that the carrier had ceased operations and was informed that a revocation application would be required to dismiss the carrier from the Complaint. However, the Commission has yet to receive a revocation application from either Respondent.

Additionally, Limousine Services, LLC, Omaha, and Daniels Moving & Storage of Omaha, Phoenix, Arizona, received notifications of the requirements of § 75-305 by first class mail, as well as notices of the Complaint and show cause by certified mail, return receipt requested. Respondents did not appear at the hearing, have not completed annual renewal requirements, or filed any application to voluntarily suspend or cancel their Certificates of Authority. Respondents accrued the maximum penalty of three-thousand eight-hundred dollars (\$3,800).

Based on the above, the Commission finds that the Certificates of Public Convenience and Necessity issued for Limousine Services, LLC, Omaha; Big O's Party Bus, LLC, Columbus; Premier Limousine, LLC, Kearney; and Daniel's Moving & Storage of Omaha, Phoenix, Arizona should be revoked. These carriers must cease and desist providing for-hire intrastate transportation services in the state of Nebraska as of the effective date of this Order. All assigned PSC plates must be returned to the Commission within ten (10) days of the effective date of this Order.

The Commission further finds that civil penalties in the amount of three-thousand eight-hundred dollars (\$3,800) should be

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assessed. Commission Rule of Procedure 007.06B requires any penalty assessed be paid within thirty (30) days from the date the Order is mailed. Failure to pay the penalty may result in the Commission pursuing revocation of the Certificate and the matter being referred to the Nebraska Attorney General's Office for collection through the District Court of Lancaster County. Additionally, no subsequent applications for authority will be allowed until the penalty is satisfied.

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Black Diamond S&S, Scottsbluff; Safe Ride Shuttle, Nebraska City; National Health Transport, Inc., Bennington; Nebraska Excellent Health, Omaha, SNP Consulting Services, Elkhorn; Ride the Good Life, Omaha; and Smiley's, Hooper, be, and are hereby, dismissed from the Complaint as provided herein.

IT IS FURTHER ORDERED that the Complaint against Alpha Life Improvement Services, Omaha, be, and is hereby, sustained. The carrier must complete all outstanding compliance within twenty (20) days of the effective date of this Order or may be subject to further Commission action.

IT IS FURTHER ORDERED that the Complaint against Bus at the Yard d/b/a Luxury Limousine, Lincoln, be, and is hereby, sustained and that Bus at the Yard d/b/a Luxury Limousine is assessed a civil penalty of four-hundred dollars (\$400). Bus at the Yard d/b/a Luxury Limousine is also ordered to cease and desist all operations until the penalty is satisfied, and the carrier is returned to good standing.

IT IS FURTHER ORDERED that the Complaints against Laidback Limousine, Inc., Omaha; Royal Limousine Service, Omaha; and Murphy Moving, Inc., Omaha, be, and are hereby, sustained and that each carrier be assessed a civil penalty of three-thousand eight-hundred dollars (\$3800). Carriers are also ordered to cease and desist all operations until the penalty is satisfied, and the carrier is returned to good standing by completing all outstanding annual renewal requirements.

IT IS FURTHER ORDERED that the Complaints against Limousine Services, LLC, Omaha; Big O's Party Bus, LLC, Columbus; Premier Limousine, LLC, Kearney; and Daniel's Moving & Storage of Omaha, Phoenix, Arizona, be, and are hereby, sustained and that the

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Certificates of Public Convenience and Necessity for each carrier be, and are hereby, revoked.





IT IS FURTHER ORDERED that all civil penalties assessed in this Order must be paid or requested to be waived for those carriers eligible to request a waiver within thirty (30) days from the mailing of this Order. Failure to pay or request waiver of this penalty within thirty (30) days from the mailing of this Order may result in further Commission action and/or the matter being referred to the Nebraska Attorney General's office for collection through the District Court of Lancaster County.


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

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 8<sup>th</sup> day of June, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Chair

ATTEST:

  
Executive Director