

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. B-1577
Public Service Commission, on)
its own motion, seeking to)
require Laidback Limousine,) SHOW CAUSE SUSTAINED AND
Inc., Omaha, to show cause why) CERTIFICATE B-1577 REVOKED
its Certificate of Public)
Convenience and Necessity)
issued in Docket No. B-1577)
should not be revoked.) Entered: September 14, 2021

BY THE COMMISSION:

On July 27, 2021, the Nebraska Public Service Commission ("Commission") entered an Order to require Laidback Limousine, Inc. ("Laidback Limousine"), Omaha, to show cause as to why its Certificate of public Convenience and Necessity should not be revoked.¹ Laidback Limousine had been named a Respondent in a Complaint against numerous carriers for failure to timely remit annual renewal fees in accordance with Neb. Rev. Stat. § 75-305. The Commission found that Laidback Limousine did not timely remit its annual renewal requirements and was assessed an administrative fine of three-thousand eight-hundred dollars (\$3,800) and ordered to cease and desist all services.²

Hearing was scheduled for August 25, 2021. Notice of the Hearing was published in The Daily Record, Omaha, Nebraska, on August 3, 2021.

¹ See Docket B-1577 *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require Laidback Limousine, Inc., Omaha, to show cause why its Certificate of Public Convenience and Necessity issued in Docket No. B-1577 should not be revoked, Order to Show Cause and Schedule Hearing* (Entered: July 27, 2021).

² See Docket MCC-3196.03 *Jamie L. Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska COMPLAINANT vs. 9 Line Medical Solutions, LLC; A Helping Hand Moving, 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; Laidback Limousine, Inc.; 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., RESPONDENT, Order Dismissing, In Part, And Sustaining, In Part* (Entered: June 8, 2021).

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-1577

Page 2

Hearing on this matter was held on August 25, 2021, in the Commission Hearing Room and simultaneously via electronic means. Ms. Jamie Reyes and Mr. Dillon Keiffer-Johnson appeared on behalf of Commission staff. No other attorneys entered an appearance.

E V I D E N C E

Jamie Reyes, Director of the Transportation department, testified on behalf of Commission staff. Ms. Reyes stated that Laidback Limousine was named a Respondent in Docket MCC-3196.03 for noncompliance with the Commission's annual renewal requirements.³ Ms. Reyes explained that Laidback Limousine did not complete the three prongs of annual renewal compliance prior to either the January 1st due date or the March 1st delinquency date.⁴

Ms. Reyes explained that during the pendency of the Complaint she spoke with Ms. Sherry Bittner, the owner of Laidback Limousine, who informed her that the company had not been operating for some time.⁵ Ms. Reyes stated she advised Ms. Bittner to file an application to suspend Laidback Limousine's authority but the department never received an application.⁶ Ms. Reyes further confirmed that Ms. Bittner did not appear at the Complaint hearing.⁷

Ms. Reyes stated the Commission issued an Order on June 8, 2021 assessing Laidback Limousine the maximum penalty of three-thousand eight-hundred dollars (\$3,800). Laidback Limousine was given thirty days from the entry of that Order to pay the assessed penalty or face possible revocation of its authority and possible referral to the Nebraska Attorney General's office for collection.⁸ The lack of responsiveness from Laidback Limousine regarding the assessment of the penalty led to this show cause hearing. Ms. Reyes confirmed that the order to show cause for the current hearing was sent via certified mail and a signed return receipt was returned to the Commission; however, no other contact had been made.⁹

Ms. Reyes stated Neb. Rev. Stat. § 75-315 provides the Commission the avenue to act against a carrier's certificate of

³ Hrg. Trans. 7:24 - 8:8 (August 25, 2021).

⁴ *Id.* at 8:9 - 9:21.

⁵ *Id.* at 9:22 - 10:10.

⁶ *Id.* at 10:11 - 10:17.

⁷ *Id.* at 10:18 - 10:21.

⁸ *Id.* at 10:22 - 11:5.

⁹ *Id.* at 11:6 - 11:15.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-1577

Page 3

authority.¹⁰ Ms. Reyes explained the totality of the evidence entered into the record shows the lack of effort made by Laidback Limousine to comply with the Commission's June 8, 2021 Order and the 2021 annual renewal requirements. Ms. Reyes concluded her statement by recommending the revocation of Laidback Limousine's authority.¹¹

Commission exhibits one through five were entered into evidence. The hearing concluded with no representative of Laidback Limousine appearing to testify on behalf of the company.

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

Laidback Limousine, Inc. is a common carrier regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. Seq. (2018), §§ 75-301 et. Seq. (Cum. Supp 2020), 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 to receive vehicle identification cards for each vehicle registered with the Commission. All regulated motor 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 file proof of such coverage with the Commission.

Laidback Limousine failed to respond to any Commission outreach efforts regarding its responsibilities laid out in the Commission June 8, 2021 Order. Hearing testimony details the actions Commission staff undertook to contact Laidback Limousine representatives prior to the entry of the July 27, 2021 Order to Show Cause via multiple outlets. All proved to be futile. The carrier signed for delivery of the Order to Show Cause, ensuring receipt of the Order and providing the carrier sufficient notice

¹⁰ *Id.* at 11:23 - 12:4.

¹¹ *Id.* at 12:5 - 12:18.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-1577

Page 4

of the proceeding. Even after receiving notice, the carrier did not to contact the Commission to ascertain the circumstances surrounding its authority. Furthermore, no carrier representative appeared at the August 25, 2021 hearing to show cause why its Certificate of Public Convenience and Necessity should not be revoked. Commission staff indicated that the carrier has not been operating for some time; however, the carrier took no formal action to voluntarily cancel or suspend its Certificate with the Commission.

In consideration of the evidence presented and staff recommendation, the Commission finds that the authority granted to Laidback Limousine, Inc., in Docket No. B-1577 should be revoked. Any services that may currently be provided by Laidback Limousine 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

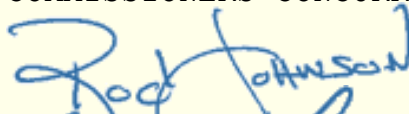



IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity granted to Laidback Limousine, Inc., Omaha, in Docket No. B-1577 be, and is hereby, revoked.

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.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 14th day of September, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

ATTEST:


Deputy Director