

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. B-1618
Public Service Commission, on)
its own motion, seeking to)
require Royal Limousine) SHOW CAUSE SUSTAINED AND
Service, Omaha, to show cause) CERTIFICATE B-1618 REVOKED
why its Certificate of Public)
Convenience and Necessity)
issued in Docket No. B-1618)
should not be revoked.) Entered: September 14, 2021

BY THE COMMISSION:

On July 27, 2021, the Nebraska Public Service Commission ("Commission"), ordered Royal Limousine Service ("Royal Limousine"), Omaha, to show cause as to why its Certificate of public Convenience and Necessity should not be revoked.¹ Royal Limousine was 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. In its Order, the Commission found that Royal Limousine, Inc., did not timely remit its annual renewal and was therefore assessed an administrative fine of three-thousand eight-hundred dollars (\$3,800) and ordered to cease and desist all services.²

Hearing on this matter 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-1618 *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require Royal Limousine Service, Omaha, to show cause why its Certificate of Public Convenience and Necessity issued in Docket No. B-1618 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).

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Hearing 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 Royal Limousine was named a Respondent in Docket MCC-3196.03 for noncompliance with the Commission's annual renewal requirements.³ Ms. Reyes summarized the annual renewal requirements found in statute and additional compliance obligations to be completed prior to the January 1st due date and the March 1st delinquency date.⁴ Ms. Reyes confirmed that Royal Limousine did not complete these obligations prior to either deadline.⁵

Ms. Reyes explained that notice of the complaint was personally served upon a representative of Royal Limousine by a department investigator.⁶ She stated that after personal service was effectuated, she had a telephone conversation with Ms. Sherry Bittner, the owner of Royal Limousine. Ms. Reyes stated that Ms. Bittner informed her that Royal Limousine had not been operating for some time and she was unsure her plans for the company moving forward. Ms. Reyes stated that she advised Ms. Bittner to file an application to suspend Royal Limousine's authority until she had decided how she would like to proceed. Ms. Reyes confirmed that the department never received an application to suspend Royal Limousine's authority.⁷

Ms. Reyes stated that due not receiving any of the required compliance documents, in the Commission's June 8, 2021 Order, Royal Limousine was assessed the maximum penalty of three-thousand eight-hundred dollars (\$3,800).⁸ Ms. Reyes explained that pursuant to Commission rules, Royal 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.⁹ Ms. Reyes stated that the lack responsiveness from Royal Limousine regarding

³ Hrg. Trans. 8:10 - 8:22 (August 25, 2021).

⁴ *Id.* at 8:23 - 9:17.

⁵ *Id.* at 9:18 - 9:21.

⁶ *Id.* at 9:22 - 10:1.

⁷ *Id.* at 10:2 - 10:17.

⁸ *Id.* at 10:18 - 10:24.

⁹ *Id.* at 10:25 - 11:5.

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the assessment of the penalty lead to this show cause hearing.¹⁰ 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 with Royal Limousine.¹¹

Ms. Reyes explained that Neb. Rev. Stat. § 75-315 provides the Commission the avenue to act against a carrier's certificate of authority.¹² Ms. Reyes explained that the evidence in the record shows the lack of effort made by Royal Limousine to comply with the Commission's June 8, 2021 Order nor the 2021 annual renewal requirements. Ms. Reyes concluded her statement by recommending Royal Limousine's authority be revoked.¹³

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

Royal 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 coverage.

Royal Limousine has failed to respond to any Commission outreach efforts regarding its responsibilities laid out in the Commission June 8, 2021 Order. Hearing testimony detailed the factions Commission staff undertook to contact Royal Limousine

¹⁰ *Id.* at 11:6 - 11:9.

¹¹ *Id.* at 11:10 - 11:16.

¹² *Id.* at 11:17 - 11:22.

¹³ *Id.* at 11:23 - 12:8.

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representatives prior to the entry of the July 27, 2021 Order to Show Cause. Attempts made to contact the carrier 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 of the proceeding. Despite receiving notice, the carrier did not contact the Commission to ascertain the circumstances surrounding its authority. Furthermore, no representative for Royal Limousine appeared at the August 25, 2021 hearing to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked. Evidence presented at the hearing indicated the carrier has not operated 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 Royal Limousine Service in Docket No. B-1618 should be revoked. Any services that may currently be provided by Royal 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 Royal Limousine Service, Omaha, in Docket No. B-1618 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 14th day of September, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Bob Johnson
Crystal Broadus
Mary Kiddy
Tim Schram

Don Watson
Chair

ATTEST:

Shanice Knutson
Deputy Director