

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of WADD I, LLC) Application No. B-1745.01r
d/b/a Wings of Love, Omaha,)
seeking to establish its rates) ORDER AMENDING RATES ON
and charges subject to the) EMERGENCY BASIS
Provisions of Neb. Rev. Stat.)
Chapter 75, Articles 1 and 3.) Entered: October 19, 2021

BY THE COMMISSION:

On October 12, 2021, WADD I, LLC d/b/a Wings of Love ("Applicant"), Omaha, filed an application for authority to amend its rates by eliminating all previously granted rates and replacing those rates as follows:

<u>Description</u>	<u>Current</u>	<u>Proposed</u>
Intra-city Omaha Metro:		
One Way Trip	\$18.50	No Change
Round Trip	\$37.00	No Change
Commercial Wheelchair Van, Non-emergency Transportation	\$45.00	Eliminate
Idle/Wait Charge:	\$15.00 for 15 minutes	No Change
Charges starting with minute 16:	\$5.00 for 20-minute wait \$15.00 for 30-minute wait	No Change
Charges Outside Omaha Metro:		
Mileage Charge	\$1.75/mile	No Change

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

Applicant is a Nebraska Limited Liability Company with its principal business address in Omaha, Nebraska. Applicant was granted authority under Application No. B-1745 to transport passengers by van in open class service between points in Douglas County and Sarpy County. Operations are authorized to commence or terminate at locations found within Douglas, Sarpy, Lancaster and Washington Counties with no restrictions as to the number of vehicles. Point-to-point transportation service within Lancaster County is not authorized. The transportation of railroad train crews and their baggage is not authorized. The HHS Designation is

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yes. The most recent certificate was granted on February 12, 2013.

On September 14, 2021, the Commission entered an Order finding that differential and discounted rates not enumerated under Neb. Rev. Stat. § 75-126 must be eliminated from the published rates of certificated carriers.¹ Neb. Rev. Stat. § 75-126 states that a common carrier shall not charge, demand, collect, or receive more or less compensation for any services rendered than what it charges, demands, collects, or receives from anyone for rendering the same services. The statute allows carriers to perform services for free or at a reduced rate for the following groups:

- (a) The United States, the State of Nebraska, or any governmental subdivision;
- (b) The employees, both present and retired, of the common carrier;
- (c) Any person when the object is to provide disaster relief;
- (d) Any person who transports property for charitable purposes;
- (e) Ministers and others giving their entire time to religious or charitable work;
- (f) Any person who is legally blind or visually handicapped.

Applicant is seeking to amend its existing rates previously granted under Rate Docket BR-608/B-1745.² Applicant currently charges a higher rate for wheelchair transportation than its non-wheelchair or ambulatory transportation. Such a rate is not allowed under Neb. Rev. Stat. § 75-126. Applicant seeks to eliminate its current differential rate without proposing any additional changes to its existing rates. A review of Applicant's proposed rates in comparison to rates offered by similar carriers for similar services finds that the proposed rates are reasonable.

¹ See Docket No. MR-1025/PI-238 *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the use of differential rates and charges by motor carriers providing intrastate passenger transportation services*, Order Issuing Findings and Compliance Deadline (Entered: September 14, 2021).

² See Docket No. BR-356 *In the Matter of WADD I, LLC d/b/a Wings of Love, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3.*, Order Granting Rates on Emergency Basis (Entered: May 11, 2021).

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Pursuant to the Commission's September 14, 2021 Order, applications filed prior to October 14, 2021, by certificated carriers seeking to amend their published rates to eliminate a differential or discounted rate will be considered on an emergency basis to facilitate a carrier's ability to quickly utilize the new rates.³ Applicant filed its application prior to the deadline and seeks to eliminate a differential rate from its published rates. Therefore, the Commission finds that an emergency basis exists that allows the Commission to grant the application on an emergency basis.

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 on an emergency basis effective October 19, 2021.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that WADD I, LLC, d/b/a Wings of Love, Omaha, Nebraska, be, and is hereby, authorized to amend its rates for its services effective October 19, 2021 as follows:

<u>Description</u>	<u>Rates</u>
Intra-city Omaha Metro:	
One Way Trip	\$18.50
Round Trip	\$37.00
Idle/Wait Charge:	\$15.00 for 15 minutes
Charges starting with minute 16:	\$5.00 for 20-minute wait
	\$15.00 for 30-minute wait
Charges Outside Omaha Metro:	
Mileage Charge	\$1.75/mile

IT IS FURTHER ORDERED that public notice of this action be published in The Daily Record, Omaha, Nebraska, pursuant to the provisions of Section 75-121 and Commission Rules.

³ See *supra* note 1, at 6.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 19th day of October, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rob Johnson
Crystal Brander
Mary Kiddy
Tim Schram

Don Watson
Chair

ATTEST:

Shanice Khutson
Deputy Director