

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of CaPeace,) Application No. B-1800.01r
Inc., d/b/a Commuter Express,)
Omaha, seeking to establish)
its rates and charges subject) ORDER AMENDING RATES ON
to the Provisions of Neb. Rev.) EMERGENCY BASIS
Stat. Chapter 75, Articles 1)
and 3.)
) Entered: October 19, 2021

BY THE COMMISSION:

On October 13, 2021, CaPeace, Inc., d/b/a Commuter Express ("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>
One-Way Trips, up to and including ten (10) miles	\$20.00	No Change
Additional Mileage beyond ten (10) miles	\$1.50/mile	No Change
Wait Time (per 15 minutes)	\$5.00	No Change
Fuel Surcharge:		
Fuel Price over \$4.00/gallon (per trip)	\$2.00	No Change
Fuel Price over \$4.50/gallon (per trip)	\$3.00	No Change
Fuel Price over \$5.00/gallon (per trip)	\$4.00	No Change
Fuel Price over \$5.50/gallon (per trip)	\$5.00	No Change
Discount Program:		Eliminate
(Discount is applied to the total bill for the trip)		
Senior Citizens (65 years and older)	\$5.00	
Members of the Military	\$5.00	
Promotion Coupons offered to the General Public At discretion of Commuter Express	\$2.00	

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

Applicant is a Nebraska corporation with its principal business address in Omaha, Nebraska. Applicant is a certificated carrier that holds Certificate B-1800 and authorized to transport passengers in open class by passenger van between points in Douglas and Sarpy counties and between points in the cities of Blair and Fort Calhoun and a three mile radius of said cities, and between points in said locations, on the one hand, and, on the other hand, points in Douglas and Sarpy counties, including the transportation of clients of the Nebraska Department of Health and Human Services ("DHHS"), services under contract with DHHS, and other similar state and federal agencies. Applicant is further authorized to provide transportation of passengers and their baggage in open class service between points in the cities of Plattsmouth and Nebraska City and a three-mile radius of said cities, and between points in said locations, on the one hand, and, on the other hand, points in Douglas and Sarpy counties over irregular routes, to include the transportation of DHHS clients and their subcontractors thereof. The transportation of railroad train crews and their baggage is not authorized. HHS Designation is yes.

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;

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).

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(f) Any person who is legally blind or visually handicapped.

Applicant is seeking to amend its existing rates previously granted under Rate Docket BR-397.² Applicant currently provides a discount program to senior citizens, members of the United States Military, as well as providing promotional coupons to the general public at the company's discretion. Such a discount program is not allowed under Neb. Rev. Stat. § 75-126. Applicant does not propose 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.

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. 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 CaPeace, Inc., d/b/a Commuter Express, 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>
One-Way Trips, up to and including ten (10) miles	\$20.00
Additional Mileage beyond ten (10) miles	\$1.50/mile
Wait Time (per 15 minutes)	\$5.00

² See Docket No. BR-356 *In the Matter of the Prescription of Reasonable Rates and Charges for Motor Carriers Passengers and Property for Hire subject to the Provisions of Neb. Rev. Stat. (Reissue 2003), Chapter 75, Articles 1 and 3., Granted As Amended on an Emergency Basis (Entered: November 8, 2021).*

³ See *supra* note 1, at 6.

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Fuel Surcharge:

Fuel Price over \$4.00/gallon (per trip)	\$2.00
Fuel Price over \$4.50/gallon (per trip)	\$3.00
Fuel Price over \$5.00/gallon (per trip)	\$4.00
Fuel Price over \$5.50/gallon (per trip)	\$5.00

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.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rob Johnson
Crystal Broadus
Mary Kiddin
Tim Schram

Don Wassenaar
Chair

ATTEST:

Shanice Khutson
Deputy Director