

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) Application No. BR-594/B-2002  
Application of Oceans )  
Enterprise, LLC, d/b/a Oceans )  
Drive Transportation, Omaha, ) ORDER AMENDING RATES ON  
seeking to establish its rates ) EMERGENCY BASIS  
and charges subject to the )  
Provisions of Neb. Rev. Stat. )  
Chapter 75, Articles 1 and 3. ) Entered: October 19, 2021

BY THE COMMISSION:

On October 6, 2021, Oceans Enterprise, LLC, d/b/a Oceans Drive Transportation, Omaha ("Applicant"), Omaha, filed an application for authority to amend its rates by eliminating all previously granted rates and replacing those rates as follows:

### **Description**

### **Proposed**

Ambulatory Rates - Weekdays 7:00 am - 6:00 pm

One way for the first 5 miles per person	\$21.85
Additional miles thereafter	\$2.75/mile

Ambulatory Rates - holidays, weekends, and service before 7:00 am and after 6:00 pm

One way for the first 5 miles per person	\$29.35
Additional miles thereafter	\$3.55/mile

Non-Ambulatory Rates - Weekdays 7:00 am - 6:00 pm

One way for the first 5 miles per person	\$45.55
Additional miles thereafter	\$2.75/mile

Non-Ambulatory Rates - holidays, weekends, and service before 7:00 am and after 6:00 pm

One way for the first 5 miles per person	\$55.25
Additional miles thereafter	\$3.55/mile

Additional Services

Assistance or Load Fee	\$3.95
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Wait time: 5 to 60 minutes	\$19.99
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Per minute after first 60 minutes	\$0.50/minute
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Additional Passengers	\$10/person
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<u>Description</u>	<u>Rates</u>
Weekdays 7:00 am - 6:00 pm	
One way for the first 5 miles per person	\$40.00
Additional miles thereafter	\$4.00/mile
Holidays, Weekends, and service before 7:00 am and after 6:00 pm	
One way for the first 5 miles per person	\$50.00
Additional miles thereafter	\$5.00/mile
Additional Services	
Wait time: 5 to 60 minutes	\$30
Per minute after first 60 minutes	\$1.25/minute
Additional Passengers	\$12/person

## 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-2002 to transport passengers and their baggage in open class service between all points in Nebraska over irregular routes. Applicant may only provide service by van and SUV. 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.<sup>1</sup> 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;

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<sup>1</sup> 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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- (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-566/B-2002.<sup>2</sup> 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 and proposes other changes as well. Applicant proposes to increase its wait time charge and its charge to transport additional passengers. 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.<sup>3</sup> 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 Oceans Enterprise, LLC d/b/a Oceans Drive Transportation, Omaha, Nebraska, be, and is hereby, authorized to amend its rates for its services effective October 19, 2021 as follows:

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<sup>2</sup> See Docket No. BR-356 *In the Matter of Oceans Enterprise, LLC, d/b/a Oceans Drive Transportation, 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, In Part* (Entered: April 7, 2020).

<sup>3</sup> See *supra* note 1, at 6.

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## Description

## Rates

Weekdays 7:00 am - 6:00 pm

One way for the first 5 miles per person \$40.00

Additional miles thereafter \$4.00/mile

Holidays, Weekends, and service before  
7:00 am and after 6:00 pm

One way for the first 5 miles per person \$50.00

Additional miles thereafter \$5.00/mile

Additional Services

Wait time: 5 to 60 minutes \$30

Per minute after first 60 minutes \$1.25/minute





Additional Passengers \$12/person

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:

  
Chair

ATTEST:

  
Deputy Director