

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Docket No. B-1933
Public Service Commission, on)
its own motion, to require)
Ride the Good Life, LLC,) SHOW CAUSE SUSTAINED AND
Omaha, to show cause why its) CERTIFICATE B-1933 REVOKED
Certificate of Public)
Convenience and Necessity)
should not be revoked.) Entered: January 4, 2022

BY THE COMMISSION:

On August 25, 2021, the Nebraska Public Service Commission ("Commission") received an insurance Form K notifying the Motor Transportation Department ("Department") the insurance for Ride the Good Life, LLC ("Ride the Good Life"), Omaha, would cease on September 21, 2021. On October 19, 2021, the Commission entered an Order to Show Cause and Schedule Hearing.

On November 30 2021, a show-cause hearing was held in the Commission Hearing Room and virtually via WebEx. Mr. Jonathan Smith and Ms. Jamie Reyes appeared on behalf of Commission Staff. No appearances were made on behalf of Ride the Good Life.

E V I D E N C E

Testimony

Ms. Reyes, Department Director at the Commission, provided a statement on behalf of the Department. Ms. Reyes testified that Ride the Good Life was granted its authority to provide transportation to passengers by bus in Douglas, Sarpy, and Cass county in 2016.¹ Ms. Reyes noted that Ride the Good Life does not have a license on file with the Nebraska Liquor Control Commission.²

Ms. Reyes explained that the Department received notice from Columbia Insurance Company that the insurance policy for Ride the Good Life would lapse on September 21, 2021.³ She further discussed that insurance companies are required to notify the Commission at least 30 days in advance of any cancellation of service. She explained that this provides the Department adequate time to provide a carrier notice that such cancellation notice has been

¹ Hrg. Transcr. 9:4 - 9:10 (September 14, 2021).

² *Id.* at 9:11 - 9:13.

³ *Id.* at 9:14 - 9:18.

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received and that the carrier needs to promptly take care of the insurance policy or make other arrangements in regards to their certificate.⁴ Ms. Reyes testified that during this timeframe, the Department did not receive a new Form E Certificate of Liability insurance from Ride the Good Life, nor did the Department receive any communication from Ride the Good Life requesting a temporary suspension or voluntary revocation of its certificate.⁵

Ms. Reyes explained that the order scheduling this show cause hearing was sent certified mail, return receipt requested. She stated that a return receipt was signed for by Ride the Good Life showing that the carrier received notice of this proceeding. However, she stated that no representative of the carrier appeared at the hearing. Ms. Reyes also explained that the department has received no indication that Ride the Good Life has continued to provide services.⁶

Ms. Reyes testified that the Commission has been granted the jurisdiction to require all common carriers to comply with any reasonably promulgated insurance rules. She explained that Commission rules require certain insurance minimums for common carriers and to possess certain amounts of for uninsured and underinsured motorist coverage.⁷ Ms. Reyes stated that because Ride the Good Life is out of compliance by not having the required liability insurance on file, the department would recommend that the carrier's Certificate of Public Convenience and Necessity be revoked.⁸

The hearing was concluded with no representative of Ride The Good Life appearing to testify on behalf of the company. Exhibits one through three were entered into evidence.

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

Ride the Good life is a common carrier regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. seq. and 75-301 et. seq. (Cum. Supp. 2020), and Title 291, Chapter 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

⁴ *Id.* at 9:19 - 10:2.

⁵ *Id.* at 10:3 - 10:8.

⁶ *Id.* at 10:9 - 10:24.

⁷ *Id.* at 10:25 - 11:19.

⁸ *Id.* at 11:20 - 12:1.

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with Nebraska statutes governing the Commission, any Commission rule or regulations, or any term, condition, or limitation of a certificate. Pursuant to Neb. Rev. Stat. § 75-307(1), certificated carriers must comply with Commission rules regarding insurance and file those policies with the Commission. Commission Rules set forth the minimum insurance requirements for motor carriers transporting passengers on a for-hire basis.⁹

Evidence entered into the record shows that Ride the Good Life's insurance was cancelled on September 21, 2021, as shown by the Form K Uniform Cancellation of Motor Carrier Insurance Policies entered into the record as Exhibit 1. Ride the Good Life failed to update its insurance information after notification by the Department of the cancellation notice and has not contacted the Commission regarding its available options. No representative for Ride the Good Life appeared at the hearing to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked.

Based on the evidence presented, the Commission finds the Certificate of Public Convenience and Necessity issued to Ride the Good Life, LLC, Omaha, should be revoked for failure to comply with Neb. Rev. Stat. § 75-307(1) and 291 Neb. Admin. Code § 03-006.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the show-cause against Ride the Good Life, LLC, Omaha, be, and is hereby, sustained.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity issued in Application No. B-1933 to Ride the Good Life, LLC Omaha, be, and is hereby, revoked.

IT IS FURTHER ORDERED that any vehicle plates which have been assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

⁹ 291 Neb. Admin. Code § 03-003.03 and 006.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 4th day of January, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Brander
Mary Keddin
Tim Schram

Don Watson

Chair

ATTEST:

Thomas W. Golden
Executive Director