

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) APPLICATION NO. B-1994.01
Public Service Commission, on)
its own motion, to require SNP) ORDER DISMISSING SHOW CAUSE
Consulting Services, LLC,) AND GRANTING SUSPENSION
Elkhorn, Nebraska, to show) EXTENSION UNTIL DECEMBER 15,
cause why its Permit of) 2022
Authority should not be)
revoked.) ENTERED: January 4, 2022

BY THE COMMISSION:

On May 20, 2021, SNP Consulting Services("SNP"), LLC, Elkhorn, Nebraska, filed an application to suspend its Permit of Authority until September 30, 2021. The Commission entered an Order on June 8, 2021, granting SNP's suspension request.¹ On October 7, 2021, Commission staff sent SNP notice that the suspension period had expired, and that SNP needed to act on its authority by November 7, 2021. On November 16, 2021, the Commission entered an Order to Show Cause and Schedule Hearing.²

On December 15, 2021, a show cause hearing was held in the Commission Hearing Room and simultaneously virtually via Webex. Mr. Dillon Keiffer-Johnson and Ms. Jamie Reyes appeared on behalf of Commission Staff. Mr. Mahmoud Elgaray provided testimony on behalf of SNP Consulting.

E V I D E N C E

Testimony

Mr. Mahmoud Elgaray, owner of SNP Consulting Services, LLC, made a statement on behalf of his company. Mr. Elgaray stated that a couple of years ago the Commission granted his company authority to provide nonemergency medical transportation services.³ He explained that the granting of his company's authority happened during the midst of the COVID-19 global pandemic which created

¹ See Docket No. B-1994 *In the Matter of the Application of SNP Consulting Services, LLC, Elkhorn, Nebraska, seeking a suspension of its Permit of Authority until September 30, 2021*, Order Granting Suspension Until September 30, 2021 (Entered: June 8, 2021).

² See Docket No. B-1994.01 *In the Matter of the Nebraska Public Service Commission, on its own motion, to require SNP Consulting Services, LLC, Elkhorn, Nebraska, to show cause why its Permit of Authority should not be revoked*, Order to Show Cause and Schedule Hearing (Entered: November 16, 2021).

³ Hrg. Transc. 8:21 - 10:7 (December 20, 2021).

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difficulties for his company to operate. Mr. Elgaray testified that due to the pandemic SNP had difficulties procuring drivers to work which caused the company to apply for its original suspension.⁴

Mr. Elgaray testified that he missed the notice that was sent out by the department on October 7, 2021 but he did receive notice which is why he made an appearance at the hearing.⁵ Mr. Elgaray stated that at this point he does not have any vehicles due to not having the proper insurance filed with the Commission.⁶ Mr. Elgaray requested an extension of the suspension of his authority until he could procure vehicles and recruit an appropriate number of drivers to begin working.⁷

In response to questions regarding suspension of certificated carriers, Ms. Reyes, director of the motor transportation department of the Commission, explained that the Commission has generally granted suspensions of carriers based on request up to a year and up to an additional year if good cause is shown. Ms. Reyes added that the maximum time a carrier may be suspended is two years.⁸ In response to further questions from Commissioners, Mr. Elgaray stated that it is his intention to resume services within a year.⁹

Testimony

Exhibits one through four were entered into the record. A request from Mr. Elgaray to extend SNP Consulting's suspension until December 15, 2022, was entered into the record as late-filed Exhibit 5.

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

SNP Consulting Services is a contract 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.

Pursuant to Neb. Rev. Stat. § 75-316, regulated motor carriers seeking to suspend service must apply and obtain Commission

⁴ *Id.* at 10:8 – 10:19.

⁵ *Id.* at 10:20 – 11:2.

⁶ *Id.* at 11:3 – 11:6.

⁷ *Id.* at 11:7 – 11:17.

⁸ *Id.* at 11:23 – 12:6.

⁹ *Id.* at 12:23 – 13:2.

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approval of such suspension. The application must identify the permit of authority held by the carrier and set forth the length of time the carrier request sits authority be under voluntary suspension. The Commission may approve a carrier's voluntary suspension request for a time period not exceeding a twelve (12) month increment. In no event will a carrier's authority be suspended for more than twenty-four consecutive months.¹⁰ Suspension requests that are longer than twelve (12) consecutive months are reviewed with greater scrutiny than suspension requests for less than a year. Carriers granted a suspension must complete all Commission compliance requirements either on or before the end of the suspension period or make other arrangements with the department regarding its authority. Failure to do so may result in further Commission action.

Evidence entered into the record shows that SNP Consulting requested an extension of its suspension. SNP filed late-filed exhibit 5 requesting its suspension be extended until December 15, 2021. The duration of SNP's original voluntary suspension, from June 8, 2021 to September 30, 2021, in addition to the requested additional extension at the hearing until December 15, 2022, would total sixteen (16) months. SNP Consulting is put on notice that the Commission will require additional information and apply greater scrutiny for a future request to further extend its voluntary suspension.

Upon due consideration of this request, the Commission is of the opinion and finds that the SNP Consulting Services, LLC, should be granted an extension of its suspension and that the Permit of Authority held in Docket B-1994 should be suspended until December 15, 2022. Should SNP Consulting intend to provide services by December 15, 2022, it will need to come into compliance with all Commission requirements, including insurance, either on or before the end of the suspension period.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the request of SNP Consulting Services, Elkhorn, Nebraska, to suspend the Permit of Authority in Docket No. B-1994 be, and it is hereby, granted, and Certificate B-1994 is suspended until December 15, 2022.

¹⁰ 291 Neb. Admin. Code § 03-011.

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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 Brader
Mary Keddin
Tim Schram

Don Watson

Chair

ATTEST:

Thomas W. Golden
Executive Director