

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	Application No. B-2041
Application of Tender	)	
Advocates, LLC, d/b/a Tender	)	
Advocates, Burwell, seeking	)	
authority as a contract	)	
carrier in Nebraska	)	
intrastate commerce in the	)	
transportation of passengers	)	
by ambulance in open class	)	
service between all points in	)	ORDER GRANTING APPLICATION
Nebraska over irregular	)	
routes pursuant to a contract	)	
with the Nebraska Department	)	
of Health and Human Services,	)	
a Medicaid-managed care	)	
organization under contract	)	
with NDHHS, or another agent	)	
working on behalf of NDHHS.	)	
HHS Designation: Yes.	)	Entered: February 1, 2022

BY THE COMMISSION:

By application filed October 18, 2021, Tender Advocates, LLC, d/b/a Tender Advocates ("Applicant"), Burwell, seeks authority to operate as a contract carrier in Nebraska intrastate commerce as follows:

### AUTHORITY SOUGHT

CONTRACT: Transportation of passengers by ambulance in open class service between all points in Nebraska over irregular routes pursuant to a contract with the Nebraska Department of Health and Human Services, a Medicaid-managed care organization under contract with NDHHS, or another agent working on behalf of NDHHS. HHS Designation: Yes.

Notice of the application was published in The Daily Record, Omaha, Nebraska on November 9, 2021. Because no protests were filed, Application No. B-2041 was processed pursuant to the Commission's Rule of Modified Procedure.

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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 Limited Liability Company with its principal place of business in Burwell, Nebraska. Applicant will provide transportation by ambulance to clients of the Nebraska Department of Health and Human Services between all points in Nebraska over irregular routes. Applicant will begin providing services with two vehicles.

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing, and able properly to perform the proposed service, and to conform to the provisions of Neb. Rev. Stat. §§ 75-301 to 75-322 (Cum. Supp. 2020) and the requirements, rules and regulations of the Commission thereunder.
2. The proposed intrastate service is or will be required by the following extent:

## PERMIT AUTHORIZED

### SERVICE AND TERRITORY AUTHORIZED:

CONTRACT: Transportation of passengers by ambulance in open class service between all points in Nebraska over irregular routes pursuant to a contract with the Nebraska Department of Health and Human Services, a Medicaid-managed care organization under contract with NDHHS, or another agent working on behalf of NDHHS. HHS Designation: Yes.

3. The application for authority should be granted.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-2041 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Permit of Authority shall be issued to Tender Advocates, LLC, d/b/a Tender Advocates, Burwell, Nebraska, in Application B-2041, authorizing the operations set forth in the foregoing findings.

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IT IS FURTHER ORDERED that Applicant shall not be issued the Certificate of Public Convenience and Necessity authorized by the Commission unless and until Applicant has fully complied, within a reasonable time from the effective date of this Order, with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Cum. Supp 2020), and with the rules and regulations of the Commission, and if upon expiration of such time Applicant has not complied with such terms and conditions, this Order shall, after reasonable notice to Applicant, be of no further force and effect.

IT IS FURTHER ORDERED that Applicant shall not conduct operations until a Permit of Authority is issued.

IT IS FURTHER ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 1st day of February, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*  
*Crystal Shroeder*  
*Mary Kadden*  
*Tim Schram*

*Don W. Johnson*  
Chair

ATTEST:

*Thomas W. Golden*  
Executive Director