

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. BR-609/B-1952
Application of Transition-N-)
More, Omaha, seeking to)
establish its rates and) ORDER OF PENDING DISMISSAL
charges subject to the)
Provisions of Neb. Rev. Stat.)
Chapter 75, Articles 1 and 3.) Entered: February 23, 2022

BY THE COMMISSION:

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

On May 4, 2021, Transition-N-More ("Applicant"), Omaha, filed an application for authority to establish its rates for use in its operations. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on May 19, 2021. No protests were filed.

On June 29, 2021, the Commission opened a docket investigating use of differential rates and charges by motor carriers providing for-hire intrastate passenger transportation.¹ The department halted the processing of rate applications proposing differential rates during the pendency of that docket. 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.²

Applicant was informed that its proposed rates must be amended to comply with the Commission's findings in MR-1025/PI-238. To date, Applicant has not taken action to move the application forward. Commission staff have attempted to communicate by telephone and email with no response.

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 Opening Docket and Setting Hearing (Entered June 29, 2021).

² 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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Therefore, the Commission enters this order of pending dismissal to put Applicant on notice that the application will be dismissed if no response to this Order is made on or before **March 9, 2022**. Applicant should indicate whether it intends to move forward with its application. If no response is received by **March 9, 2022**, the Commission will dismiss this rate application for failure to take timely action and further action may be taken in Docket B-1952 regarding the April 13, 2021 Order granting common carrier authority.³

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a deadline for communication with the Commission by Transition-N-More, Omaha, in Application No. BR-609/B-1952 be, and is hereby, set for March 9, 2022.

MADE AND ENTERED at Lincoln, Nebraska this 23rd day of February, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Brander
Mary Kidden
Tim Schram

Don Watson
Chair

ATTEST:

Thomas W. Golden
Executive Director

³ See Docket No. B-1952 *In the Matter of Transition-N-More, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class between points in Douglas and Sarpy counties, and between said counties, over irregular routes. RESTRICTIONS: The transportation of railroad train crews and their luggage is not authorized. HHS Designation: No, Order Granting Application (Entered April 13, 2021) (requiring Applicant to file for published rates before a Certificate of Public Convenience and Necessity would be issued).*