

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. B-2024
Application of Families and)
Connections Transporting)
Services, LLC, Omaha, seeking)
authority as a contract)
carrier in Nebraska intrastate)
commerce in the transportation)
of passengers in open class)
service within Douglas and)
Sarpy counties, and between) ORDER ADOPTING PROCEDURAL
said counties, over irregular) SCHEDULE AND SETTING HEARING
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.)
RESTRICTIONS: HHS Designation:)
Yes.) Entered: March 14, 2022

BY THE HEARING OFFICER:

On September 7, 2021, Families and Connections Transporting Services, LLC ("Applicant"), Omaha, Nebraska, filed an application seeking authority as a contract carrier in Nebraska intrastate commerce in the transportation of passengers in open class service within Douglas and Sarpy counties, and between said counties, 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 is yes. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on December 7, 2021.

Timely protests were filed by Camelot Transportation, Inc., and Triumph Transportation, Inc. Protests were granted on January 20, 2022.

On March 10, 2022, a planning conference was held to discuss a procedural schedule and set a hearing date. Dillon Keiffer-Johnson appeared on behalf of the Commission. The following appeared via telephone: Ms. Janelle Hardiman on behalf of Applicant

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and Mr. Andy Pollock of Rembolt Ludtke LLP on behalf of Protestants.

As a result of the planning conference, several procedural deadlines were decided. Therefore, this Order serves to memorialize those decisions and provide a timeline for proceeding in this docket. I find that the following schedule should be adopted:

Date	Event
3/18/2022	Protestants written discovery requests due.
3/25/2022	Applicant written discovery responses due.
3/30/2022	Final date to exchange witness and exhibit lists.
4/4/2022 at 10:00 a.m.	Hearing

Parties

Ms. Hardiman is representing Families and Connections Transporting Services, LLC in this proceeding, and is not licensed to practice law in any jurisdiction. Under Rule 002.04C of the Commission Rules of Procedure, an individual who is not licensed to practice law may appear for a governmental subdivision, corporation, association or partnership for the sole purpose of making a statement, but may not elicit testimony from another person. In accordance with the rule, Ms. Hardiman's participation in this proceeding will be limited to a statement at the hearing. Ms. Hardiman will also not be permitted to enter exhibits, call witnesses to testify, or cross-examine any of Protestants' witnesses. Should Applicant decide to retain an attorney for this matter, the Commission must be notified and the attorney must file an entry of appearance prior to the proceeding.

Service

All documents shall be served to all parties of record. Documents shall be typed, in writing, and filed via U.S. mail. A statement certifying that a copy of the filing was served on all parties in the docket must be included with any filing. Any documents served after 5:00 p.m. shall be considered filed the following day. Parties are responsible for maintaining an accurate service list.

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Protestants shall file a witness and exhibit list with the Commission, including copies of all exhibits to be presented at the hearing no later than 5:00 p.m. on March 30, 2022. Copies of the exhibit and witness lists and exhibits shall be served on the opposing party via first class mail.

Discovery

The Nebraska Discovery Rules may be referenced for general guidance as to the conduct of discovery. Parties should make good faith efforts to resolve any discovery disputes.

Discovery requests are limited to Protestants, as they are represented by attorneys licensed to practice law in Nebraska. Applicant may not issue discovery requests and is limited to issuing discovery responses to Protestants' discovery requests.

Courtesy copies of any discovery requests and responses should be sent to the Commission either by U.S. mail or electronically to psc.motorfilings@nebraska.gov. Such discovery requests and responses shall not be part of the official record unless offered and accepted as exhibits during the hearing.

In the event that timely responses to written interrogatories or document requests are not forthcoming, Protestants should promptly file a motion to compel, which shall set forth the date the discovery was served, the due date for responses, with an averment of the default. Upon receipt of such motion, the Hearing Officer, without waiting for a response, may enter an order directing discovery be provided by a certain date. Failure to comply with such order may result in sanctions or other actions.

In the event of a discovery dispute arising by reason of Applicant's objections, the parties shall promptly and in good faith exert every effort to resolve their differences. In the event of objections to certain discovery, Applicant shall provide all other discovery that is not objectionable. In the event that any disputes cannot be resolved, the dispute shall be submitted to the Hearing Officer through Commission Legal Counsel by email to psc.motorfilings@nebraska.gov, attaching a copy of the pertinent discovery request and response or objection. The email may also include a short statement of the party's position. The Hearing Officer will schedule a telephone conference, and will issue an order resolving the dispute after said conference.

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Hearing

Hearing on this matter will be held on **April 4, 2022 at 10:00 a.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska. Remote access to the hearing will be available via Webex at the following link: <https://psc.nebraska.gov/stream> (case sensitive). Attendees who will appear virtually and who will provide testimony must ensure the Commission can both see and hear them.

Applicant will provide its evidence first, followed by Protestants. Applicant will have the opportunity to make a statement on behalf of her company. Protestants will have the opportunity to enter exhibits and present witnesses on their behalf. Applicant and all witnesses will be subject to questions from the Commission.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the proposed procedural schedule set forth herein be, and is hereby, adopted.

IT IS FURTHER ORDERED that hearing on this matter is scheduled for **April 4, 2022 at 10:00 a.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska and virtually as provided herein.

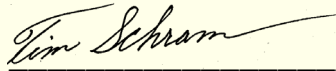
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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 14th day of March, 2022.

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By: 

Hearing Officer
Tim Schram