

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. B-2048
of Robert F. Paup, d/b/a Tri)
City Ride, Grand Island, seeking)
authority as a common carrier in)
Nebraska intrastate commerce in)
the transportation of passengers)
by sedan, coupe, van, and pickup) ORDER ADOPTING PROCEDURAL
in taxicab service between) SCHEDULE AND SETTING HEARING
points in Hall, Adams, Buffalo,)
York, Lancaster, Dodge, Lincoln,)
Keith, Scotts Bluff, Platte, and)
Seward counties, and between)
said counties, over irregular)
routes. HHS Designation: No.) Entered: April 13, 2022

BY THE HEARING OFFICER:

On February 2, 2022, Robert F. Paup, d/b/a Tri City Ride ("Applicant"), Grand Island, Nebraska, filed an application seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by sedan, coupe, van and pickup in taxicab service between points in Hall, Adams, Buffalo, York, Lancaster, Dodge, Lincoln, Keith, Scotts Bluff, Platte, and Seward counties, and between said counties, over irregular routes. HHS designation is no. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on February 9, 2022.

Timely protest was filed by Comstock Corporation d/b/a Action Cab. I granted the protest on March 29, 2022.

On April 6, 2022, a planning conference was held to discuss a procedural schedule and set a hearing date. Mr. Jonathan Smith and Mr. Dillon Keiffer-Johnson appeared on behalf of the Commission. The following appeared via telephone: Mr. Robert F. Paup, Applicant, and Mr. Andy Pollock and Mr. Adam Kost of Rembolt Ludtke LLP on behalf of Protestant.

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:

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-2048

Page 2

Date	Event
4/20/2022	Final date for discovery requests to be served by all parties.
5/04/2022	All written discovery responses due.
5/11/2022	Final date for depositions
5/24/2022	Deadline for witness and exhibit lists. Deadline for all motions and all other filings.
6/01/2022 from 9:00 a.m. to 4:00 p.m.	Hearing

Parties

Applicant is appearing on his own behalf before the Commission pursuant to 291 Neb. Admin. Code Ch. 1 § 002.04A. 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.

Parties 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 May 24, 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.

Courtesy copies of any discovery requests and responses should be sent to the Commission either by U.S. mail or

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-2048

Page 3

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, parties 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 the responding party'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, responding party 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.

Hearing

Hearing on this matter will be held on **June 1, 2022 from 9:00 a.m. to 4:00 p.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 Protestant. Parties will have the opportunity to enter exhibits and present witnesses on their behalf. 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

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-2048

Page 4

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

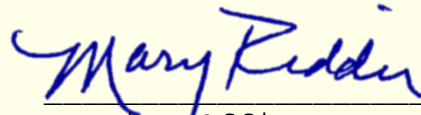
IT IS THEREFORE ORDERED by the Hearing Officer that the proposed procedural schedule set forth herein be, and is hereby, adopted.

IT IS FURTHER ORDERED that hearing on this matter is scheduled for **June 1, 2022 from 9:00 a.m. to 4:00 p.m.** in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska and virtually as provided herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 13th day of April, 2022.

NEBRASKA PUBLIC SERVICE COMMISSION

By:



Hearing Officer
Mary Ridder