

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) B-1351/PI-44  
of the Public Service Commission, )  
on its own motion, to conduct a ) ORDER OPENING  
departmental investigation of ) DEPARTMENTAL  
Midwest Special Services, Inc. ) INVESTIGATION; ORDER  
for alleged violations of ) SETTING HEARING  
Commission rules. )  
 ) Entered: March 20, 2001

BY THE COMMISSION:

The Commission, on its own motion, hereby opens this docket to conduct an investigation of allegations made that Midwest Special Services Inc. ("Midwest Special Services") violated Commission rules and regulations properly promulgated under state law. In support of its motion, the Commission alleges and states as follows:

1. Midwest Special Services Inc., by virtue of the authority granted by this Commission in Application B-1351, Supplement No. 1., holds a certificate as a common carrier in the transportation of medical patients in need of supervised assistance between points in Nebraska over irregular routes and transportation of passengers and their baggage between points in Nebraska over irregular routes under a contract with the Nebraska Department of Health and Human Services (NDHHS) with restrictions against transportation originating in Douglas, Sarpy, Lancaster, Jefferson, Gage, Saline, Thayer, Johnson, Pawnee, and Richardson Counties.
2. The Commission has jurisdiction over the certification and regulation of motor carriers and their properties pursuant to Neb. Rev. Stat. § 75-301 et seq., and authority to investigate the violations alleged herein of state laws and rules promulgated thereunder, pursuant to Neb. Rev. Stat. § 75-111 (Reissue 1996).
3. On October 24, 2000, the Commission received a Formal Complaint from R&F Hobbies, Inc., d/b/a Prince of the Road ("Prince of the Road") alleging that Midwest Special Services has been contracting with NDHHS for transportation at a rate of \$0.93 per mile.
4. Midwest Special Services has rates on file for the transportation of persons and their baggage of \$0.85 per mile.
5. It is a violation of Neb. Rev. Stat. § 75-126(1)(a) and (e) (Cum. Supp. 1998) for a common carrier to charge a greater

rate for services rendered than the carrier charges for other persons or collecting a greater rate than that on file with the Commission.

6. In the same October 24, 2000, Formal Complaint, Prince of the Road alleged that Midwest Special Services has, and continues, to operate vehicles without proper identification in violation of Title 291, Ch. 3, Motor Carrier Rules and Regulations, Rule 004.04.
7. It is further alleged that Midwest Special Services operates in violation of its granted authority by originating transportation in those counties in which Midwest Special Services is restricted from originating transportation in, specifically operating vehicles in Saline and Douglas County.

WHEREFORE,

1. The Commission hereby opens this investigation and provides that Midwest Special Services shall be allowed twenty days from the entry of this order to Answer to admit or deny each material allegation of this order entered.
2. That after the period for the filing of an Answer, the Commission shall proceed to hold a hearing for the purposes of investigating the allegations contained herein pursuant to Title 291, Ch. 1, Commission Rules of Procedure, Rule 012.01, 012.02 and 012.03.
3. If the Commission finds, as a result of this investigation and the investigative hearing, that Midwest Special Services has violated the provision of any statute over which the Commission has jurisdiction, or any rule properly promulgated thereunder, the Commission may (a) proceed to a departmental compliant, (b) enter any order justified in the premises, or (c) upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty in an amount authorized pursuant to Neb. Rev. Stat. § 75-156 (Cum. Supp. 2000).

O R D E R

IT IS ORDERED that this docket be opened to investigate the allegations against Midwest Special Services as contained herein.

IT IS FURTHER ORDERED that Midwest Special Services be given a period of not more than twenty days from the entry of this order

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to file an Answer to the material allegations in the order entered.

IT IS FURTHER ORDERED that a hearing be scheduled for Wednesday, April 11, 2001, at 1:30 p.m.

MADE AND ENTERED in Lincoln, Nebraska on this 8th day of November, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Frank E. Landis*

*Anne C. Boyle*

*Daniel G. Urwiller*

//s//Frank E. Landis

//s//Daniel G. Urwiller

*Frank E. Landis*  
Chairman

ATTEST:

*Ad S. Pollock*

Executive Director

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