

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)
departmental investigation of) CLARIFICATION ORDER
Midwest Special Services, Inc.,)
for alleged violations of)
Commission rules.) Entered: July 11, 2001

BY THE COMMISSION:

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

On June 19, 2001, this Commission entered its findings and conclusions with respect to the above-captioned docket. In that order we noted that if Midwest Special Services, Inc. (Midwest or Midwest Special Services) provides a large amount of its transportation services to clients of the Nebraska Department of Health and Human Services (NDHHS), that it should structure its rates accordingly. The Respondent has requested that the Commission clarify whether or not this dicta infers that it must file rates specifically for the services provided to a governmental subdivision. At the present time, this Commission has no rules requiring that a carrier file and request approval for rates specifically for NDHHS. Carriers must file their rates with the Commission in a manner consistent with Neb. Rev. Stat. § 75-124 (Reissue 1996). Pursuant to Neb. Rev. Stat. § 75-126 (Cum. Supp. 1998), however, a carrier may perform services free or at reduced rates to a governmental subdivision such as NDHHS.

We reiterate however, that it is a violation of Neb. Rev. Stat. § 75-126 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. The evidence indicated that Midwest Special Services had rates on file with the Commission for transportation of persons and their baggage of \$.085 per mile plus waiting time. Midwest Special Services has been contracting with NDHHS for transportation at a rate of \$0.93 cents per mile.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the findings and conclusions in our June 19, 2001, order be clarified to the extent reflected herein.

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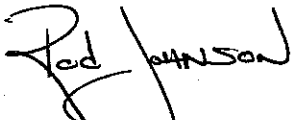
MADE AND ENTERED at Lincoln, Nebraska this 11th day of July, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION


COMMISSIONERS CONCURRING:







//s//Frank E. Landis


Chairman

ATTEST:


Executive Director