

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Dashabout) Application No. B-1375
Roadrunner, Inc., Akron,) Supplement 2
Colorado, seeking to extend its)
authority as a common carrier in)
Nebraska intrastate commerce in)
the transportation of passengers)
by van in open class service)
between points in Dundy,)
Hitchcock, Red Willow, Chase,)
Hayes, Frontier, Perkins,)
Lincoln, Dawson, Keith, Deuel,)
Garden, Morrill, Cheyenne,)
Furnas, Gosper, Harlan, Phelps,)
Buffalo, Kearney, Adams, Hall,)
Hamilton, York, Seward, Cass,)
Sarpy, Douglas, Lancaster,)
Hooker, McPherson, Thomas, Logan,)
Butler, Colfax, Madison, Merrick,)
Platte, Polk, Saunders, and)
Stanton counties, and between)
points in said counties, on the)
one hand, and, on the other hand,)
points in Nebraska over irregular)
routes. RESTRICTIONS: The)
transportation of railroad train)
crews and their baggage is not)
authorized. Point-to-point)
service within the City of)
Lincoln is not authorized, except)
for transportation of friends or)
relatives of passengers already)
aboard which have originated or)
will terminate in communities out)
of Lincoln from the Lincoln)
Municipal Airport to medical)
facilities, the University of)
Nebraska, the Amtrak Station,)
and/or the Cornhusker Hotel. The)
transportation of clients of the)
Nebraska Department of Health and)
Human Services, such as, but not)
limited to, Access to Care (AMR),)
and/or prerson in the custody of)
the Nebraska Department of)
Corrections, in capacity of such)
clients and/or persons in custody)
is not authorized in Butler,)
Colfax, Madison, Merrick, Platte,)

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Polk, Saunders, and Stanton) ORDER GRANTING APPLICATION
counties. Current certificate) AS AMENDED
Parts (A), (B) and Supplement 1)
to be revoked upon granting of)
Supplement 2. HHS Designation:)
Yes.) Entered: August 1, 2017

BY THE COMMISSION:

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

On October 23, 2013, Dashabout Roadrunner, Inc. ("Applicant"), Akron, Colorado, filed an application seeking to extend its existing authority as a common carrier to transport passengers by van in open class service in the above-captioned counties to allow transportation to other points in Nebraska from these originating counties over irregular routes. The transportation of railroad train crews and their baggage is not authorized, and the HHS Designation is yes. Additionally, point-to-point service within the City of Lincoln would not be authorized, except for the transportation of friends or relatives of passengers already aboard which have originated or will terminate in communities out of Lincoln from the Lincoln Municipal Airport to medical facilities, the University of Nebraska, the Amtrak Station, and/or the Cornhusker Hotel. The transportation of clients of the Nebraska Department of Health and Human Services, such as, but not limited to, Access to Care (AMR), and/or prerson in the custody of the Nebraska Department of Corrections, in capacity of such clients and/or persons in custody would also not be authorized in Butler, Colfax, Madison, Merrick, Platte, Polk, Saunders, and Stanton counties. Notice of the application was published in The Daily Record, Omaha, Nebraska on October 30, 2013. Timely protests were filed by Comstock Corporation d/b/a Action Cab; Camelot Transportation, Inc.; Golden Plains Services, LLC d/b/a High Plains Cab Service; and O'Malley's Cab Service (together, "Protestants").

On June 13, 2016, the Commission received notification that O'Malley's Cab Service would withdraw its protest with the agreement that Applicant would not provide point-to-point transportation in Cheyenne County. Applicant agreed, and O'Malley's protest was withdrawn.

A planning conference was held on July 20, 2017 to discuss a procedural schedule and set a hearing date. Commissioner Mary Riddder, Ms. Jamie Reyes, and Ms. Ellie Rohr appeared for the Commission. Via telephone, Ms. Lea Holtorf participated on behalf of Dashabout; Mr. Andy Pollock appeared on behalf of Camelot and Action Cab; and Mr. Marlan Dooley participated on behalf of High Plains Cab. During the call, Ms. Holtorf and Mr.

Pollock stated that Dashabout, Action Cab, and Camelot had finalized their settlement agreement and that Action Cab and Camelot would be withdrawing their protests. After additional discussion during the call regarding Dashabout's current authority, High Plains Cab decided to withdraw its protest. On July 24, 2017, the Hearing Officer granted the withdrawal of the protests and the amending of the Application by restriction pursuant to the agreements between the parties. After all protests had been withdrawn, the Application was processed pursuant to Rule 018.03 of the Commission Rules of Procedure.

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is able properly to conform to applicable provisions of NEB. REV. STAT. §§ 75-301 to 75-322 (Cum. Supp. 2016), and the requirements, rules and regulations of the Commission thereunder.
2. Upon compliance with NEB. REV. STAT. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Cum. Supp. 2016), and with the rules and regulations of the Commission, a Certificate of Convenience and Necessity should be issued as follows:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Transportation of passengers in open class by passenger vans over irregular routes on a scheduled basis between points in the following counties: Adams, Buffalo, Butler, Cass, Chase, Cheyenne, Colfax, Dawson, Deuel, Douglas, Dundy, Garden, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Kearney, Keith, Lancaster, Lincoln, Logan, Madison, McPherson, Merrick, Morrill, Perkins, Phelps, Platte, Polk, Red Willow, Sarpy, Saunders, Seward, Stanton, Thomas, and York.

RESTRICTIONS:

- i. The transportation of railroad train crews and their baggage is not authorized.
- ii. The transportation of clients of the Nebraska department of Health and Human Services (DHHS) and services under contract with DHHS is not authorized in the following counties: Butler, Colfax, Madison, Merrick, Platte, Polk, Saunders, and Stanton.

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- iii. The transportation of persons in the custody of the Nebraska Department of Corrections is not authorized in the following counties: Butler, Colfax, Madison, Merrick, Platte, Polk, Saunders, and Stanton.
- iv. Point-to-point service within the City of Lincoln is not authorized, except for transportation of friends or relatives of passengers already aboard which have originated or will terminate in communities out of Lincoln from the Lincoln Municipal Airport to medical facilities, the University of Nebraska, the Amtrak Station, and/or the Cornhusker Hotel.
- v. Point-to-point service within any city or village is not authorized, except as otherwise expressly and specifically authorized herein.
- vi. Point-to-point service within any of the following counties is not authorized: Butler, Cheyenne, Colfax, Madison, Merrick, Platte, Polk, Saunders, and Stanton.

3. The application for authority should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-1375, Supplement 2 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Convenience and Necessity shall be issued to Dashabout Roadrunner, Inc., Akron, Colorado, in Application No. B-1375, Supplement 2, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that Applicant shall not be issued the Certificate of Convenience and Necessity authorized by the Commission unless and until Applicant has fully complied, within ninety (90) days from the effective date of this Order, with NEB. REV. STAT. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates) (Cum. Supp. 2016), and with the Rules and Regulations of the Commission, and if upon expiration of such time Applicant has not complied with such terms and conditions, this Order shall, after reasonable notice to Applicant, be of no further force and effect.

IT IS FURTHER ORDERED that Applicant shall not conduct operations until a Certificate of Convenience and Necessity is issued.

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IT IS FURTHER ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.


ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 1st day of August, 2017.

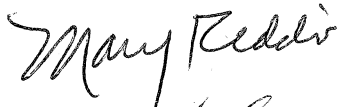

NEBRASKA PUBLIC SERVICE COMMISSION


COMMISSIONERS CONCURRING:


Chairman

ATTEST:


Executive Director



//s//Frank E. Landis
//s//Tim Schram