

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of A-1 Ambassador
Limousine, Inc., d/b/a Haymarket
Limousine, Lincoln, Nebraska.

) APPLICATION NO. B-1470
) ORDER TO CEASE AND DESIST
) ORDER TO SHOW CAUSE
) AND SETTING HEARING
)
) ENTERED: NOVEMBER 21, 2002

BY THE COMMISSION:

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

The Nebraska Public Service Commission (Commission) initiates this show cause proceeding on its own motion to enforce its interim policy set forth in Rule and Regulation No. 148 entered on April 3, 2001. After entering its interim policy and interpreting its rules with respect to Limousine Service and Open Class Service, A-1 Ambassador Limousine, Inc., d/b/a Haymarket Limousine (Haymarket Limousine) appealed the Commission's decision and the enforcement of the Commission's interim policy. On July 12, 2002, the Nebraska Supreme Court upheld the Commission's order and interim policy. In re Proposed Amend. to Title 291, 264 Neb. 298 (2002). Thereafter, A-1's motion for reconsideration was denied. The Commission received notice that the mandate had been issued by the Nebraska Supreme Court.

Upon information and belief, Haymarket Limousine is still not in full compliance with the Commission's Order of April 3, 2001. However, we find that it would be appropriate to reconsider our Order of November 19, 2002 in order to give government agencies an opportunity to find an alternative transportation provider. Haymarket should be allowed to keep previously scheduled commitments, however, it shall not be permitted to transport clients of the Nebraska Department of Health and Human Services or other government agencies or subcontractors thereof any later than **December 9, 2002**, even if previously scheduled. Haymarket should cease and desist from accepting any new or unscheduled trips until further notice of the Commission.

Furthermore, upon due consideration, the Commission initiates this proceeding to enforce its April 3, 2001 order. We find Haymarket Limousine should show cause on or before **December 9, 2002** why this Commission should not assess any other penalty including administrative fines as it deems appropriate under Neb. Rev. Stat. § 75-156 (2000). A hearing on this Order to show cause will be set for **December 9, 2002** at 10:00 a.m. in the Commission Hearing Room, Lincoln, Nebraska.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that our Order entered on November 19, 2002 be modified and that A-1 Ambassador Limousine, Inc., d/b/a Haymarket Limousine, Lincoln, Nebraska, be, and it is hereby ordered to cease and desist providing transportation services for the Nebraska Department of Health and Human Services and other government contractors consistent with the opinions and findings contained herein.

IT IS FURTHER ORDERED that A-1 Ambassador Limousine, Inc., d/b/a Haymarket Limousine, Lincoln, Nebraska be required to show cause why the Commission should not assess administrative penalties

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for failure to comply with Commission orders on or before **December 9, 2002** and a hearing shall be set for **December 9, 2002, at 10:00 a.m.** in the Commission Hearing Room, Lincoln.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of November, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson

//s//Frank E. Landis
//s//Rod Johnson

Gerald L. Up
Vice Chair

ATTEST:

And S Pollard
Executive Director