

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Public ) B-1470/PI-45  
Service Commission, on its own )  
motion, to conduct a ) ORDER AMENDING  
departmental investigation of ) DEPARTMENTAL  
A-1 Ambassador Limousine, Inc. ) INVESTIGATION  
for alleged violations of )  
Commission rules. )  
 ) Entered: April 3, 2001

BY THE COMMISSION:

On March 20, 2001, the Commission, on its own motion, opened this docket to conduct an investigation of allegations made that A-1 Ambassador Limousine, Inc., d/b/a Haymarket Limousine ("A-1 Ambassador") violated Commission rules and regulations properly promulgated under state law. The allegations contained in that order inadvertently omitted the allegations made by R&F Hobbies, d/b/a Prince of the Road in their October 24, 2000, formal complaint. The Commission, therefor, on its own motion, amends the departmental complaint and alleges and states as follows:

1. A-1 Ambassador, by virtue of the authority granted by this Commission in Application B-1470, holds a certificate as a common carrier in the transportation of passengers and their baggage by limousine between points in Nebraska except points in Douglas, Sarpy, and Richardson Counties, over irregular routes.
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 A-1 Ambassador, beginning at least as early as August 2000, was billing the Nebraska Department of Health and Human Services at a rate of \$0.98 per mile.
4. The rates filed with the Commission had on file only hourly rates until September 22, 2000.
5. As of September 22, 2000, the rates filed with the Commission by A-1 Ambassador were \$0.55 per mile.

6. By virtue of charging \$0.98 per mile for transportation for Health and Human Services clients, A-1 Ambassador is in violation of Neb. Rev. Stat. § 75-126 (Cum. Supp. 1998) in that A-1 Ambassador (a) charges, demands, collects, and receives, greater compensation from one person than it charges, demands, collects and receives from any other person for doing a like or contemporaneous service; (b) demands, charges, and collects a greater compensation for a service rendered than the rates filed with the Commission; and (c) has changed its charged rates before application had been made to the Commission and permission granted for that purpose.

WHEREFORE,

1. The Commission hereby amends the investigation to include the above described allegations and provides that A-1 Ambassador shall be allowed until April 9, 2001, 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 A-1 Ambassador 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 investigation in this docket be amended to include the allegations against A-1 Ambassador as contained herein.

IT IS FURTHER ORDERED that A-1 Ambassador be given until April 9, 2001, to file an Answer to the material allegations in the order entered.

IT IS FURTHER ORDERED that a hearing be scheduled for

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Wednesday, April 11, 2001, at 1:30 p.m.

MADE AND ENTERED in Lincoln, Nebraska on this 3<sup>rd</sup> day of April, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Lowell Johnson*

*Ann C. Boyle*

*Joe Johnson*

//s//Frank E. Landis  
//s//Daniel G. Urwiller

*Frank E. Landis*  
Chairman

ATTEST:

*John Sullivan*  
Deputy Director

