

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Omaha	)	Application No. B-1509e
Economic Development Corp-	)	
oration (OEDC dba OCTC)	)	GRANTED
seeking a certificate of	)	
exemption from Commission	)	
authority pursuant to	)	
Neb. Rev. Stat. section	)	Entered: September 29, 1999
75-303(9).	)	

BY THE COMMISSION:

By letter dated April 5, 1999, the Omaha Economic Development Corporation (OEDC) dba as OCTC requested an expansion of authority through the Commission and the corresponding exemption of Neb. Rev. Stat. §75-303(9). The relevant statute reads, in part, that transportation carriers are subject to the regulation of the Commission except for,

"75-303(9). A motor vehicle having a seating capacity of twenty or less which is operated by a governmental subdivision or a *qualified public-purpose organization as defined in section 13-1203 engaged in the transportation of passengers in the state;*" (Emphasis added.)

Neb. Rev. Stat. §12-1203 defines a public-purpose organization as follows:

"13-1203(7). Qualified public-purpose organization shall mean an incorporated private not-for-profit group or agency which:

(a) Has operated or proposes to operate only motor vehicles having a seating capacity of twenty or less for the transportation of passengers in the state;

(b) Has been approved as capable of providing public transportation services by the appropriate city or county governing body; and

(c) Operates or proposes to operate a public transportation service in an area which the [D]epartment [of Roads] has identified as not being adequately served by existing public or private transportation services pursuant to section 13-1205;"

Section 12-1305 enumerates the powers and duties of the Department of Roads, among them to collect and maintain data on the level of public transportation services and to identify areas which are inadequately served by public and private transportation services, to provide planning and technical assistance to state agencies, to advise and consult with state agencies, and to cooperate with the Public Service Commission. Neb. Rev. Stat. §12-1305 (Reissue 1997).

OEDC obtained authority under these statutes to operate as a qualified public-purpose organization in 1993 in a designated portion of the metropolitan Omaha area. Over the years, OCTC entered into contracts with various entities to extend services outside of that original service area. Those contracts were approved by this Commission under normal commission procedures.

This application sought to expand that authority under the applicable statutes in three ways:

1. Type of Service. The applicant proposed to provide prearranged individual and group passenger van services of 20 passengers or less to assist low income and socially/economically disadvantaged residents.
2. Customers. OCTC proposed to offer the services to governmental agencies and non-profit agencies that provide assistance to low income and socially/economically disadvantaged individuals.
3. Area of Service. OCTC proposed expanding its area of service to include trips originating in, or terminating in, or originating and terminating entirely within, new areas of Douglas County and into areas of Sarpy County. Specifically, the area in Douglas County to be included was defined as the area bounded by Harrison Street on the south, McKinley Road on the north, 108<sup>th</sup> Street on the west and the Missouri River on the east. The area of Sarpy County applied for included that area bounded by Platteview Road on the south, Harrison Street on the north, 84<sup>th</sup> Street on the west, and the Missouri River on the east.

Pursuant to the Nebraska Public Transportation Act (i.e., Neb. Rev. Stat, §13-1201 to 13-1214), the Applicant through the

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Commission, requested that a needs assessment be undertaken by the Department of Roads. In response to the Commission request, the Department of Roads asked the Omaha/Council Bluffs Metropolitan Area Planning Agency (MAPA) to conduct a study. The results of the MAPA study have been made a part of the public record in this docket.

The MAPA study concluded that transportation service gaps existed and that, in the area studied, there were considerable unmet transportation needs. The Department of Roads issued a letter dated August 23, 1999 which concurred with the results of that study and stated that the area was not adequately served by existing public or private transportation services.

In a letter dated September 9, 1999, the Sarpy County Board of Commissioners informed the Public Service Commission that it supported the expansion of authority of OEDC into Sarpy County. The Board noted that Sarpy County "depends on private transportation services such as OCTC to meet the unmet transportation needs of disadvantaged individuals." The Board further found that OCTC was capable of providing transportation service to meet unmet local needs.

This Commission held a public meeting to receive public comment on whether the proposed expansions should be granted. Notice of the meeting was published in The Daily Record on September 2, 1999. The meeting was held on September 20, 1999 at the State Office Building at 1313 Farnam-on-the-Mall in Omaha, Nebraska. Those persons who testified praised the operation of OECD and supported the need for the proposed areas of expansion. In addition, the Commission has received several letters of support supporting the efforts of OECD and confirming the need for the proposed expansion. Those letters have been made part of the public record in this docket.

#### FINDING AND OPINION

Noting that OECD has met the statutory requirements for expansion, that the need for such expansion has been demonstrated by an examination of current transportation services and needs in the proposed area of expansion, and pursuant to the Nebraska Public Transportation Act, the Commission finds that the authority and the exemptions applied for by the Applicant should be granted.

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O R D E R

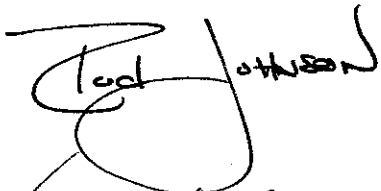
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application B-1509e be, and it is hereby, granted to the full extent prayed for in the application.

IT IS FURTHER ORDERED that the Omaha Economic Development Corporation dba Omaha Community Transportation Company be exempt from the provisions of Neb. Rev. Stat. sections 75-103 to 75-322 (Reissue 1996) within the parameters defined within the application having duly met the requirements of a qualified public-purpose organization as provided by law.

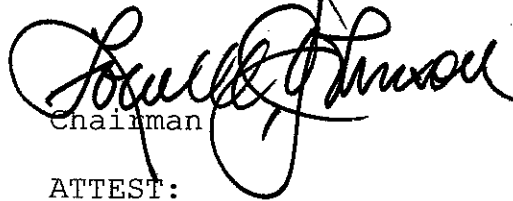
MADE AND ENTERED in Lincoln, Nebraska on this 29th day of September, 1999.

COMMISSIONERS CONCURRING:

NEBRASKA PUBLIC SERVICE COMMISSION



//s//Lowell C. Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

  
Chairman

ATTEST:



Deputy Director