

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. B-1612  
of Thomas J. Wyman dba American )  
Eagle Shuttle Express, Omaha, )  
seeking authority as a common )  
carrier of passengers by van in )  
open class service between )  
points in Douglas and Sarpy )  
counties and between points in )  
said counties on the one hand, )  
and on the other hand points )  
within a 60-mile radius of )  
Douglas and Sarpy Counties. )  
RESTRICTION: The transportation )  
of railroad train crews and )  
their baggage is not authorized. )  
PLANNING CONFERENCE ORDER  
Entered: June 13, 2003

BY THE HEARING OFFICER:

On December 4, 2002, an application was filed by Thomas J. Wyman dba American Eagle Shuttle Express, Omaha, seeking authority as a passenger carrier pursuant to Neb. Rev. Stat. Section 75-310. Protests were timely filed by Happy Cab, Yellow Cab, Checker Cab, Cornhusker Cab, MAVM Ventures, LLC dba A & B Shuttle and Servant Cab Company LLC dba Yellow Cab Company and Capital Cab Company.

In order to process the application, the Commission staff held a planning conference in this matter on June 3, 2003, at 3:00 p.m. at the Commission, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via telephone conference with the Protestant(s) and the Applicant. The following persons were present at the conference: Daniel Rock representing the Applicant; Marshall Becker representing A & B Shuttle; Jerry Sena representing Happy Cab, Yellow Cab, Checker Cab, and Cornhusker Cab; and Jack Shultz representing Servant Cab Company.

On June 3, 2003, the applicant filed a restrictive amendment with the Commission restricting its authority to Douglas and Sarpy counties and by removing its ability to transport and contract with the Nebraska Department of Health and Human Services. As a result of the restrictive amendment and contingent upon the Commission's acceptance of the amendment, Servant Cab withdrew its protest.

As a result of the planning conference, several issues were decided. Therefore, this order serves to memorialize those decisions and to provide a timeline for proceeding in this docket.

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The parties agreed that discovery requests already served would be responded to by June 6, 2003. Mr. Sena agreed to withdraw his Motion to Compel if discovery responses were received by this time. The parties agreed that on or before June 19, 2003 any stipulations and exhibits must be exchanged by the parties and filed with the Commission. No requests for subpoenas will be accepted after this date. Any requests for a continuation or cancellation of a video conference hearing must be made to the Commission at least 48 hours prior to the start of the hearing. The party failing to give timely notification will be responsible for payment of all charges incurred as a result of improper notification. All fees incurred must be paid before future hearings will be scheduled. Within fourteen days from the date of the hearing, the parties will file written closing statements.

Any remaining pre-hearing issues that the parties would like to address should be brought before the Commission prior to hearing.

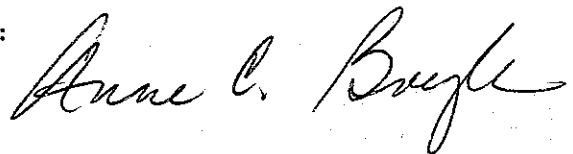
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the foregoing schedule for submission and service of the items discussed above is hereby adopted.

IT IS FURTHER ORDERED that a hearing in Application No. B-1612 will be held on June 26, 2003, at 10:00 a.m. in the Commission Library, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via video conference at the following sites: Nebraska, Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam, Omaha, Nebraska, Public Library 2<sup>nd</sup> Floor, 517 West Fourth Street, Hastings, Nebraska, and the Von Riesen Library, Room 6, basement level, enter through Room 5, 1205 E. 3<sup>rd</sup> Street, McCook, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of June 2003.

BY:



HEARING OFFICER