

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. B-1714,
Public Service Commission, on) Supplement 1
its own motion, seeking to)
require Caring People Sudan,) ORDER GRANTING SUSPENSION
Omaha, to show cause why its) REQUEST
Permit of Authority should not)
be revoked.) ENTERED: October 23, 2018

BY THE COMMISSION:

On August 28, 2018, the Nebraska Public Service Commission ("Commission"), on its own motion, entered an Order to Show Cause requiring Caring People Sudan, Omaha, to show cause as to why its Permit of Authority should not be revoked and scheduling a hearing for October 10, 2018. The Commission received a cancellation notice of Caring People Sudan's insurance policy on March 30, 2018 and again on July 3, 2018. Caring People Sudan filed an application to suspend its authority but did not remit the required filing fee or update its insurance policy with the Commission.

Notice of the hearing was sent certified mail, return receipt requested. The Commission never received proof of Service, however, a representative of Caring People Sudan did make himself available for the hearing and stated that he had received the Commission's notice of hearing.

On October 10, 2018, a hearing was held in the Commission Hearing Room in Lincoln, Nebraska. Ms. Jamie Reyes and Ms. Ellie Rohr appeared on behalf of Commission staff. Mr. Malakai Goak presented testimony on behalf of Caring People Sudan.

E V I D E N C E

Mr. Malakal Goak testified as the president and founder of Caring People Sudan. According to Mr. Goak, the company provides a variety of services to meet the needs of underserved communities in Omaha. Though the service is available to the public, it is particularly utilized by the Somali and Sudanese populations due to the language barriers these groups face with other providers.¹ Mr. Goak further testified his business operated consistently from 2009 through 2015. However, in 2015, he underwent multiple surgeries due to several health issues. When he returned after

¹ Hrg. Transcr. (Oct. 10, 2018). 3:7-15

recovery, the business was struggling.² Mr. Goak noted that the company lost its primary contracts, some of the vehicles, and lacked sufficient capital at that time to get the business in order.³

Mr. Goak noted that while the business was struggling, he knew the insurance requirements. He stated they did not provide any services without proper insurance in place.⁴ When he realized the business was not operating properly, Mr. Goak contacted Commission staff and discussed the option of suspending his Permit.⁵ Mr. Goak did submit a suspension application, but the Department never received his \$250 application fee.⁶

Mr. Goak requested the Commission consider allowing him to suspend his Permit of Authority rather than revoking it.⁷ Commissioner Landis inquired whether he would be able to pay the application fee the same day. Mr. Goak stated he could make that payment.⁸ Commissioner Landis further inquired into the financial fitness of the business. Mr. Goak noted finances have been difficult, but he has found financial support that will enable him to bring the business back into good standing.⁹ Commissioner Landis inquired of staff what information would be considered at the end of the suspension period. Ms. Reyes explained staff would confirm that insurance was in good standing and that any renewal fees due have been paid.¹⁰

Ms. Reyes noted Mr. Goak's suspension Application had been received August 15, 2018, which sought to suspend the Permit until December 31, 2018. She inquired whether the time frame Mr. Goak requested would still be sufficient. Mr. Goak stated that time frame is sufficient.¹¹

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

² *Id.* at 3:16-20

³ *Id.* at 3:22-4:4

⁴ *Id.* at 4:9-11

⁵ *Id.* at 4:17-22

⁶ *Id.* at 4:22-25, and 5:6-10

⁷ *Id.* at 5:18-22

⁸ *Id.* at 6:1-3

⁹ *Id.* at 8:9-21

¹⁰ *Id.* at 8:22-9:11

¹¹ *Id.* at 10:23-11:4

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Caring People Sudan is a Contract Carrier regulated by the Commission pursuant to Neb. Rev. Stat §§75-101 et. seq. and 75-301 et. seq. (2016 Cum.Supp.) and Title 291, Ch. 3 of the Commission Rules and Regulations.

Neb. Rev. Stat. §75-307(1) requires certificated carriers (including Common and Contract Carriers) to comply with Commission rules regarding insurance and file proof of those insurance policies with the Commission. Title 291, Ch. 3, §006 sets forth the minimum insurance requirements for motor carriers transporting passengers for a fee in the state. Additionally, Neb. Rev. Stat. §75-315 provides that a permit or certificate may be suspended, changed, or revoked by application of the certificate/permit holder or on the Commission's own motion after a hearing is properly noticed and held.

Mr. Goak presented sufficient evidence that the Permit of Authority held by Caring People Sudan should not be revoked at this time. Mr. Goak provided testimony to the Commission to show that he was attempting to properly enter suspension and is able to complete that process. Further, the Commission received payment of the suspension application filing fee after the hearing was held. Mr. Goak's testimony provided details of a plan to return Caring People Sudan to proper operation.

Based upon the evidence presented, the Commission finds that the Permit of Authority held by Caring People Sudan should be suspended until December 31, 2018. Caring People Sudan will need to come into compliance with all Commission requirements, including insurance, either on or before the end of the suspension period. Failure to do so will result in further Commission action.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Suspension of Authority requested by Caring People Sudan should be, and is hereby granted, and Permit B-1714 is suspended until December 31, 2018.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 23rd day
of October, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal L. Linder

Mary Ridder

Chair

Lee J. Anderson

Tim Schram

ATTEST:

Michael H. [Signature]

//s//Frank E. Landis

//s//Mary Ridder

Executive Director