

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) APPLICATION NO. B-1724  
of Midwest Transport, LLC, )  
Lincoln, Nebraska, seeking ) PREHEARING CONFERENCE  
authority as a common carrier of ) ORDER AND NOTICE OF  
passengers and their baggage in ) HEARING  
open class service in the state of )  
Nebraska over irregular routes ) ENTERED: APRIL 14, 2009

BY THE HEARING OFFICER:

On June 2, 2008, an application was filed by Midwest Transport LLC, Lincoln, Nebraska, seeking authority as a common carrier passengers and their baggage pursuant to Neb. Rev. Stat. Section 75-310. Protests were timely filed by Happy, Yellow and Checker Cab Companies, Omaha; Cornhusker Cab Company, Omaha; Prince of the Road, Ravenna; Transport Plus, Lincoln; Yellow Cab and Limo, Inc., Beatrice; High Plains Cab Service, McCook; Servant Cab Company, Lincoln; and Midwest Special Services, Curtis.

On January 7, 2009, a Stipulation was received from the Applicant and Happy Cab, Yellow Cab, Checker Cab Company and Cornhusker Cab Company setting forth a restrictive amendment that would result in the withdrawal of the protest if adopted by the Commission. On January 20, 2009, a Stipulation was received from the Applicant and High Plains Cab Service setting forth a restrictive amendment that would result in withdrawal of their protest if adopted.

In order to process the application, the Commission staff held a planning conference in this matter on April 8, 2009, at 9:00 a.m. via telephone conference with the applicant and counsel for protestants. The following persons were present at the conference: Robert W. Chapin, attorney for the applicant; Jack Shultz attorney for the protestants Servant Cab Company and Midwest Special Services; John Boehm, attorney for protestant Prince of the Road; and Mark Breiner, staff attorney.

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.

Deadline

Event

**April 22, 2009** All written discovery served. No further written discovery between the parties shall take place after

this date.

**May 13, 2009** Answers to Interrogatories and Responses to Request for Production and Responses to Request for Admissions are due.

**May 13, 2009** All depositions completed. If parties seek to settle, settlement achieved, and Commission notified to cancel hearing. Hearings canceled after this date are subject to applicable hearing fee.

**May 18, 2009** Any stipulations and exhibits must be exchanged by the parties and filed with the Commission. Final witness lists exchanged by parties and filed with the Commission. Any requests for subpoenas shall be filed in writing with the Commission. No requests for subpoenas will be accepted after this date.

**May 19, 2009** 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.

Finally, the hearing in Application No. B-1724, will be held on **May 21, 2009**, at 10:00a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. This matter will be consolidated with Application B-1732 pursuant to Nebraska Public Service Commission Rules of Procedure 018.08.

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

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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-1724, will be held on **May 21, 2009**, at 10:00 a.m. in the Commission Library, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of April, 2009.

BY

*Francis J. Sanders*

HEARING OFFICER

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