

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1800
of Capeace, Inc., d/b/a Commuter)
Express, Omaha, Nebraska, seeking) PLANNING CONFERENCE
to acquire by transfer the) ORDER AND NOTICE OF
Certificate held by Hope) HEARING
Transportation in Certificate)
Number B-1557.) ENTERED: AUGUST 15, 2011

BY THE HEARING OFFICER:

On June 9, 2011, an application was filed by Capeace, Inc., d/b/a Commuter Express, Omaha, Nebraska, seeking authority acquire through transfer the certificate held by Hope Transportation in Certificate Number B-1557 pursuant to Nebraska statutes. Protests were timely filed by Checker Cab, Cornhusker Cab, Happy Cab, Safeway Cab, Yellow Cab, and R&F Hobbies d/b/a Prince of the Road by their attorney, Andy S. Pollock, and by VIP Limousine and A-1 Limousine.

In order to process the application, the Commission staff held a planning conference in this matter on August 12, 2011, at 10:00 a.m. via telephone conference with the applicant and counsel for the represented protestant. The following persons were present at the conference: John Menicucci and Torri Criger representing the applicant; Andy Pollock, attorney for the protestant cab companies; 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
August 16, 2011	All written discovery served. Supplemental written discovery may be served by the parties after this date as agreed by the parties.
August 26, 2011	Answers to Interrogatories and Responses to Request for Production and Responses to Request for Admissions are due.
September 9, 2011	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.

**September 12,
2011**

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.

**September 15,
2011**

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-1800, will be held on **September 19, 2011**, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, and at the Omaha State Office Building, 1313 Farnam Street, Room 207, Omaha, Nebraska.

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-1800, will be held on **September 19, 2011**, at 10:00 a.m. in the Commission Library, 300 The Atrium, 1200 N Street, Lincoln,

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Nebraska, and at the Omaha State Office Building, 1313 Farnam Street, Room 207, Omaha, Nebraska

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of August, 2011.

BY:



HEARING OFFICER

