

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) APPLICATION NO. B-1818
of Casino Cab Company, LLC,)
seeking authority for the)
transportation of passengers by) PLANNING CONFERENCE
taxi between points in Douglas) ORDER AND NOTICE OF
and Sarpy Counties over irregular) HEARING
routes.)
HHS Designation: No. The)
transportation of railroad train)
crews is not authorized.) ENTERED: DECEMBER 18, 2012

BY THE HEARING OFFICER:

On April 30, 2012, an application was filed by Casino Cab Company, LLC, Council Bluffs, Iowa, seeking authority for the transportation of passengers by taxi between points in Douglas and Sarpy counties over irregular routes. The transportation of railroad train crews is not authorized, and the HHS designation is No. Protests were filed by Checker Cab Company, Happy Cab Company, and Yellow Cab Company; by City Taxi, Inc., and by Servant Cab Company through its attorney, Jack Shultz.

In order to process the application, the Commission held a planning conference in this matter on December 10, 2012, at 1:30 p.m. via telephone conference. The following persons were present at the conference: Commissioner Anne Boyle, Hearing Officer; Steven J. Olson, attorney for the Applicant; M.H. Weinberg and Kyle Long, attorneys for the protestant City Taxi; Andy Pollock, attorney for the protestant cab companies; and Mark Breiner, staff attorney. Kirby Young was not able to be present for the conference and related to the Commission that Mr. Shultz would not be representing Servant Cab in this matter.

Arguments were made regarding the timeliness of the protests filed by the Omaha Cab Companies. Mr. Olson argued that the protests were filed one day too late and that they should be dismissed on that basis. Mr. Pollock argued that the protest were filed in reliance upon an erroneous date set forth in the Transportation Department's Pending Applications worksheet which indicated that the protest date was one day later than the actual protest date. This error in the worksheet was confirmed by the director of the Motor Transportation Department, Mark Breiner.

After being duly advised in the premises, the hearing Officer finds that the protests of the Omaha Cab Companies will be allowed as the filings were made in reliance upon the erroneous worksheet maintained by the Commission.

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
January 4, 2012	All written discovery served. Supplemental written discovery may be served by the parties after this date as agreed by the parties.
February 4, 2013	Answers to Interrogatories and Responses to Request for Production and Responses to Request for Admissions are due.
February 22, 2013	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.
March 19, 2013	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.
March 23, 2013	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-1818, will be held on **March 26, 2013, at 100 p.m., on March 27, 2013, at 10:00 p.m., and at 10:00 a.m. on March 28, 2013,** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, 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-1801, will be held on **March 26, 2013, at 100 p.m., on March 27, 2013, at 10:00 p.m., and at 10:00 a.m. on March 28, 2013,** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 18th day of December, 2012.

BY:



HEARING OFFICER

