

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) APPLICATION NO. B-1829/PI-195
on its own motion, to conduct a)
departmental investigation of) ORDER OPENING DEPARTMENTAL
Golden Plains Services, Inc.,) INVESTIGATION; ORDER
d/b/a GPS Transportation,) SETTING HEARING
Lincoln, for alleged violations)
of Commission rules and state)
statutes.) ENTERED: June 23, 2015

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission"), on its own motion, hereby opens this docket to conduct an investigation of allegations made that Golden Plains Services Transportation, Inc., ("hereinafter "GPS") violated Commission rules and regulations properly promulgated under state law. In support of its motion, the Commission states the following:

1. Golden Plains Services Transportation, Inc., d/b/a GPS Transportation ("GPS") is a regulated motor carrier principally located in Lincoln, Nebraska.
2. The Commission has jurisdiction over the certification and regulation of motor carriers and their properties pursuant to Neb. Rev. Stat. § 75-301 et seq., and authority to investigate the violations alleged herein of state law and rules promulgated thereunder, pursuant to Neb. Rev. Stat. § 75-111.
3. On or about March 4, 2015, the Commission was made aware of information regarding GPS through an exhibit filed in the application by GPS seeking authority to extend its operation into Lancaster County, Nebraska. The Exhibit, marked as Late Filed Exhibit 13, detailed information regarding complaints of late service, not waiting for clients of the Department of Health and Human Services ("DHHS"), and other allegations related to services provided to DHHS by GPS.
4. Late Filed Exhibit 13 detailed the following incidents found to be "Valid" by Intelliride, who is the transportation broker for DHHS in the provision of non-emergency Medicaid transportation:

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- a. On February 9, 2015, a visually impaired person alleged that GPS dropped off the client at the end of the block where the client resided, and not at the client's residence.
- b. On February 17, a client reported that GPS did not strap the client down in a wheelchair, and the client was subsequently injured during the transportation.
- c. On or about March 4, 2015, a driver for GPS was reported to have traveled over a speed bump at a rate of speed that caused the passenger to suffer a back injury.
- d. Between May 29, 2014, and March 11, 2015, GPS was reportedly late for picking up a passenger eighteen times (May 29, 2014; July 18, 2014; August 6, 2014; September 29, 2014; October 7, 2014 (twice); October 21, 2014 (twice); December 1, 2014; December 9, 2014; December 17, 2014; January 21, 2015; February 6, 2015; February 19, 2015; February 25, 2015; and March 11, 2015 (twice), causing many of these individuals to miss doctor's appointments and on one occasion to miss the beginning of a dialysis appointment.
- e. Between July 26, 2014, and February 25, 2015, drivers for GPS did not wait the contractual time period for a pick-up of a client (July 26, 2014; October 7, 2014; November 5, 2014; November 13, 2014; December 1, 2014; and February 25, 2015).

Upon review of the complaints and evidence available to the Commission, the Commission finds that GPS may have violated Commission rules and state statutes including Neb. Admin. R. & Regs. Title 291, Ch.3, section 010.02H1, which requires that ". . . all operators shall: 010.02H1 Be competent to conduct the service carefully and courteously;" Neb. Rev. Stat. §75-315 subjecting the passengers referred to above to undue or reasonable delay; Neb. Rev. Stat. §75-311 and §75-315 by operating in an unfit manner as alleged in paragraphs 3, 4, and 5 set forth above.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Commission hereby opens this investigation and provides that a hearing shall be set for July 14, 2015, at 1:30 p.m. in the Commission Hearing Room, Lincoln, Nebraska for the purposes of investigating the complaints set forth above.

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Commission rules and state statutes, including Neb. Admin. R. & Regs. Title 291, Ch.3, section 010.02H1, which requires that ". . . all operators shall: 010.02H1 Be competent to conduct the service carefully and courteously;" Neb. Rev. Stat. §75-315 subjecting the passengers referred to above to undue or reasonable delay; Neb. Rev. Stat. §75-311 and §75-315 by operating in an unfit manner as alleged in paragraphs 3, 4, and 5 set for the above.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Commission hereby opens this investigation and provides that a hearing shall be set for July 22, 2015, at 10:00 a.m. in the Commission Hearing Room, Lincoln, Nebraska, for the purposes of investigating the complaints set forth above.

If the Commission finds, as a result of this investigation and the investigative hearing, that GPS has violated the provision of any statute over which the Commission has jurisdiction, or any rule properly promulgated thereunder, the Commission may (a) proceed to a departmental complaint, (b) enter any order justified in the premises, or (c) upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty in an amount authorized pursuant to Neb. Rev. Stat. § 75-156 (Cum. Supp. 2014).

MADE AND ENTERED in Lincoln, Nebraska on this 23rd day of June, 2015

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chairman



//s//Frank E. Landis
//s//Gerald L. Vap
//s//Rod Johnson
//s//Crystal Rhoades

ATTEST:



Deputy Director