

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Senior Services,) Application No. B-1914
Inc., Alliance, seeking to)
operate as a common carrier in)
Nebraska intrastate commerce in)
the transportation of passengers)
by van between points in Box)
Butte, Sheridan, Dawes, Sioux,) APPLICATION DISMISSED
Scotts Bluff, Banner, Kimball,)
Morrill, Cheyenne, Garden, Deuel,)
Grant, Arthur and Keith counties)
over irregular routes.)
RESTRICTION: The transportation)
of railroad train crews and their)
baggage is not authorized. HHS)
Designation: Yes.) Entered: September 7, 2016

BY THE COMMISSION:

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

By application filed August 25, 2015, Senior Services, Inc. ("Applicant"), Alliance, seeks to operate as a common carrier of passengers by motor vehicle as follows:

CERTIFICATE SOUGHT

Transportation of passengers by van between points in Box Butte, Sheridan, Dawes, Sioux, Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, Grant, Arthur and Keith counties over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: Yes.

Upon review of the Application, it was brought to the Commission's attention that Applicant may qualify as a qualified public-purpose organization and would therefore be exempt from the Commission's regulation under NEB. REV. STAT. § 75-303(9), which states:

"Sections 75-301 to 75-322 shall apply to transportation by a motor carrier or the transportation of passengers and household goods by a regulated motor carrier for hire in intrastate commerce except for the following: (9) a motor vehicle having a seating capacity of twenty or less which is operated by a governmental subdivision or a qualified public-purpose organization as defined in section 13-1203 engaged in the transportation of

passengers in the state."¹

A qualified public-purpose organization is defined as:

"an incorporated private not-for-profit group or agency which (a) has operated or proposes to operate only motor vehicles having a seating capacity of twenty or less for the transportation of passengers in the state; (b) has been approved as capable of providing public transportation services by the appropriate city or county governing body; and (c) operates or proposes to operate a public transportation service in an area which the department has identified as not being adequately served by existing public or private transportation services pursuant to section 13-1205."²

Commission staff worked with the Nebraska Department of Roads ("NDOR") to determine whether Applicant met the qualifications for exemption. On October 2, 2015, Applicant submitted a document detailing how it meets the requirements of § 13-1203(7). By letter dated December 23, 2015, NDOR determined that Applicant met all of the criteria to be deemed a qualified public-purpose organization. On March 23, 2016, Commission staff sent a letter to NDOR regarding the findings and to state that, based upon NDOR's findings, Applicant would be exempt from Commission regulation pursuant to § 75-303(9).

Based upon the findings of NDOR, the Commission finds that Senior Services, Inc., meets the qualifications to be a public-purpose organization pursuant to § 13-1203(7) and is exempt from Commission regulation pursuant to § 75-303(9). Therefore, Application No. B-1914 should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-1914 be, and it is hereby, dismissed.

¹ NEB. REV. STAT. § 75-303(9).

² NEB. REV. STAT. § 13-1203(7).

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 7th day
of September, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal Swadlow

//s//Frank E. Landis

//s//Tim Schram

Tim Schram
Chairman

ATTEST:

J. B. Riley

Executive Director