

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Wynne-Win) APPLICATION NO. B-1949
Transportation, Omaha, seeking)
authority as a common carrier)
in Nebraska intrastate commerce)
in the transportation of)
passengers in open class by van)
and station wagon in Douglas,) DENIED
Sarpy, and Lancaster Counties.)
RESTRICTION: The transportation)
of railroad train crews and)
their baggage is not)
authorized. HHS Designation:)
Yes.) Entered: September 25, 2018

For Applicant:

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P.O. Box 111435
Omaha, Nebraska 68111

For the Protestants:

Camelot Transportation, Triumph
Transportation, and Happy Cab
Companies:

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d/b/a GPS Transportation:

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Lincoln, Nebraska 68508

BY THE COMMISSION:

B A C K G R O U N D

On August 18, 2017, Wynne-Win Transportation ("Applicant"), Omaha, filed an application seeking authority as a common carrier to provide transportation of passengers by van and station wagon in Douglas, Sarpy, and Lancaster counties. The

transportation of railroad train crews and their luggage is not authorized, and Applicant applied for HHS Designation. Notice of the application was published in The Daily Record, Omaha, Nebraska, on February 8, 2017.

On April 17, 2017, the protests previously filed by Golden Plains Services Inc. d/b/a GPS Transportation; Camelot Transportation and Triumph Transportation; Happy Cab Company, d/b/a Checker Cab Company, Happy Cab Company, and Yellow Cab Company; DonMark, Inc. d/b/a Cornhusker Cab Company; and Valor Transportation, d/b/a Safeway Cabs (collectively "Protestants") were granted. On May 25, 2017, a planning conference was held to set the procedural schedule and scheduling the hearing. An order setting the procedural schedule was issued June 23, 2017. Hearing was originally scheduled for September 27, 2017.

On August 7, 2017, Protestant GPS withdrew its protest. Applicant received discovery requests from Protestants on June 16, 2017. Applicant served Protestants with discovery requests on July 31, 2017. Responses were due August 18, 2017. However, on August 17, 2017, Applicant informed the Commission it would not be able to participate in the remaining discovery and hearing as originally set. On August 22, 2017, an order was entered continuing the hearing to a date to be determined. On March 22, 2018, a planning conference was held to modify the procedural schedule and set this matter for hearing.

Hearing was held on June 12, 2018, in the Commission Hearing Room, Lincoln, with appearances as noted above.

EVIDENCE

In support of its application, Applicant first produced Ms. Delonica Webb. Ms. Webb has been in business with Wynne-Win Transportation since 2016.¹ Ms. Webb has a certificate in behavioral health and an associate's degree with a provisional license as an alcohol counselor from Vatterott.² She currently drives for Student Transportation of America. In October 2016, Ms. Webb began contracting for Maximus, transporting clients receiving Medicaid services.³ Ms. Webb previously drove for Standfast Transportation.⁴

¹Hrg. Transcr. 13:25-14:3 (June 12, 2018).

² Id. at 10:22 - 11:2.

³ Id. at 7:21-8:3 and 21:17-23

⁴ Id. at 21:7-23.

Ms. Webb testified to the development of a business plan for Wynne-Win Transportation.⁵ Ms. Webb submitted her business plan into evidence. In it, she defines Non-Emergency Medical Transportation as "individuals who are not in an emergency situation but need more assistance than a taxi can offer."⁶ Ms. Webb goes on to explain that her target client base is low income, Medicaid recipients, as well as foster care children.⁷ The Business Plan includes a section of "Market Research" which cites Community Services as the fastest growing industry in the "Minor Occupational Groups."⁸ Ms. Pence questioned Ms. Webb about this on cross-examination. Specifically, Ms. Pence offered the Report cited within the Plan to show it did not reference transportation as part of that field. Ms. Pence identifies the reference to transportation that covers multiple industries, not simply passenger transportation.⁹

Ms. Webb testified to a clean driving record, and her awareness of the guidelines she follows to maintain her CDL. CDL drivers are required to follow more stringent guidelines than those with a standard operator's license.¹⁰ Ms. Webb indicated she previously held Commercial Insurance but experienced some difficulty with the insurer. She currently possesses insurance through Liberty Insurance, which is not commercial insurance. She is aware of the requirements for insurance if her application should be approved.¹¹ She went on to explain she currently owns a specialized wheel-chair accessible van, in addition to her personal vehicle, both of which would be used for Wynne-Win Transportation.¹² Ms. Webb further testified she anticipates being the only driver for the first year of operations for Wynne-Win Transportation but hopes to expand operations in the future.¹³

Ms. Webb testified to her ability to de-escalate various situations that may be presented over the course of transporting her desired clientele.¹⁴ She further explained the various

⁵ *Id.* at 13:11-14.

⁶ Exhibit 18, p. 2

⁷ *Id.* at p. 3

⁸ *Id.* at p. 6.

⁹ Exhibit 19, p. 34; see also Hrg. Transcr. 48:3-8, 49:12-50:15

¹⁰ Hrg. Transcr. 27:4-17.

¹¹ *Id.* at 25:1-11.

¹² *Id.* at 14:4-13.

¹³ *Id.* at 29:14-21.

¹⁴ *Id.* at 28:5-22.

internships and experiences where she has gained a distinct ability to communicate and interact with the niche of clients she hopes to serve.¹⁵

Ms. Webb testified there is a present and future need for the transportation of disabled persons.¹⁶ She further testified that her research indicated there was room for Wynne-Win and other carriers in the market.¹⁷ Ms. Webb testified she would target North Omaha, South Omaha, and low-income areas because she believes the current carriers are not adequately serving those areas.¹⁸ Ms. Webb testified the reason for the inclusion of other counties within her service area results from her need to have the ability to transport clients to appointments in other areas outside of Omaha.¹⁹

Ms. Webb testified she does not believe her entrance into the market would harm current carriers. She believes cab companies are not able to transport her desired clientele because of the extensive background checks required for this type of transport. Ms. Webb did not provide any evidence to support this claim.²⁰ Ms. Webb further testified she did not think Intelliride even dispatches cab companies for those particular clients.²¹ She stated she is ready, willing, and able to provide transportation services upon approval of the application.²²

On cross-examination, Ms. Pence inquired whether Ms. Webb has operated a business prior to Wynne-Win. Ms. Webb testified she had previously owned a detail shop. The business venture ended badly when Ms. Webb learned her employees were taking advantage of her.²³

Ms. Pence further questioned Ms. Webb regarding her application, specifically her cash-on-hand, liabilities, and vehicles. Ms. Webb indicated she did not know what liabilities she had referenced on her application.²⁴ Ms. Pence questioned Ms.

¹⁵ *Id.* at 11:11-13:10.

¹⁶ *Id.* at 27:18-25.

¹⁷ *Id.* at 24:12-16.

¹⁸ *Id.* at 19:1-4.

¹⁹ *Id.* at 23:6-21.

²⁰ *Id.* at 20:9-16.

²¹ *Id.* at 20:17-18.

²² *Id.* at 31:4-7.

²³ *Id.* at 32:18-33:10.

²⁴ *Id.* at 54:10-21; see also 59:1-10.

Webb regarding her knowledge of the insurance requirements for open class common carriers. Ms. Webb testified she believed them to be \$100,000 to \$300,000.²⁵

Ms. Webb testified she is taking very few trips for the Nebraska Department of Health and Human Services ("DHHS"). She indicated she has not been billing for any of the trips she has taken because she does not currently have a permit. Ms. Webb did not identify the circumstances under which she is taking these trips. She did indicate she sometimes takes clients to pick up extra things on these trips.²⁶ In response to a question Ms. Pence asked regarding how DHHS is contacting Ms. Webb to assign her rides, Ms. Webb indicated a client has the ability to call Intelliride and request which provider they wish to use.²⁷ Ms. Webb further indicated she has knowledge there are currently other providers within her proposed service area that provide DHHS services.²⁸ She also testified she is hopeful she will receive more referrals from Intelliride through this process.²⁹

Ms. Webb testified her intention is to provide non-emergency medical transportation, not on demand services. She further indicated she would have to examine multiple factors before accepting a point-to-point trip in Lancaster County from Intelliride.³⁰ Ms. Webb testified she did not contact any of other providers to see if they could provide service in the areas sought in her application. She further stated she believed her current clients reached out to the Protestants to inquire on their ability to provide services.³¹

Ms. Pence further questioned Ms. Webb regarding the financial projections contained in her business plan. Ms. Pence questioned Ms. Webb about the significant losses projected over the course of her first three years. Ms. Webb stated the numbers were accurate.³² Ms. Webb further testified her business plan was purely a projection. She stated her goal was to begin operating and get a feel for the business.³³ On re-cross, Ms. Pence questioned Ms. Webb about her expenses. Ms. Webb

²⁵ *Id.* at 51:18-52:25.

²⁶ *Id.* at 35:2-36:6.

²⁷ *Id.* at 36:14-18.

²⁸ *Id.* at 38:1-5.

²⁹ *Id.* at 38:18-20.

³⁰ *Id.* at 39:14-15, 40:12-22.

³¹ *Id.* at 57:24-58:14.

³² *Id.* at 55:3-56:8.

³³ *Id.* at 57:4-8.

indicated she could cut back expenses, such as utilities and advertising, to make a profit.³⁴

On redirect, Ms. Webb testified she would be providing this service part-time and continuing to work another job to counter the losses she has projected. However, she did not provide any testimony as to how that would work.³⁵ When questioned by Commissioner Schram, Ms. Webb then stated she would quit her job if her application is approved.³⁶

Ms. Shari Wynne was called next by the Applicant. Ms. Wynne is Ms. Webb's aunt by marriage.³⁷ Ms. Wynne testified she receives transportation from Intelliride on average about once a month for various medical appointments.³⁸ Ms. Wynne described experiences where she had to reschedule appointments because her provider did not pick her up or was late. When that happens, she stated she has to call Intelliride and schedule a different provider.³⁹ Ms. Wynne noted the longest she has waited for a return trip is four hours.⁴⁰

Ms. Wynne testified to an experience where a driver entered the exam room while she was with the doctor to inquire how much longer she would be.⁴¹ Commissioner Landis questioned the witness regarding whether or not she reported this instance to Intelliride. Ms. Wynne stated the appointment was for Social Security and she indicated to them what had happened and that she never heard back from anybody regarding her experience.⁴²

Ms. Wynne testified there have been a few experiences where the provider's driving has made her anxious and exacerbated her PTSD.⁴³ Additionally, she recounted a situation where a driver took over an hour to take her home from a doctor's appointment, which would normally only take about 20 minutes.⁴⁴ Ms. Wynne testified she has not experienced the same anxiety in the Applicant's vehicle as she has in vehicles operated by drivers

³⁴ Id. at 66:19-24

³⁵ Id. at 65:13-20

³⁶ Id. at 65:25-66:7

³⁷ Id. at 77:20-22

³⁸ Id. at 70:3-7.

³⁹ Id. at 71:8-24, 72:4-9.

⁴⁰ Id. at 71:22-24

⁴¹ Id. at 72:13-20.

⁴² Id. at 76:8-22.

⁴³ Id. at 73:22-74:3.

⁴⁴ Id. at 74:4-17.

of other providers.⁴⁵ Ms. Wynne further indicated she appreciates the specialized training Ms. Webb has for serving individuals with disabilities.⁴⁶

On cross-examination, Ms. Pence questioned Ms. Wynne about whether or not she has a choice of providers to provide her service through Intelliride. Ms. Wynne testified she has not specified to Intelliride a preference of what provider, and that she does not know if they provide a customer with that opportunity.⁴⁷

The first witness called by the Protestants was John Davis. Mr. Davis is the Director of Operations for what is commonly referred to as the Happy Cab Companies ("Happy Cab"), a position he has held for the last 12 years.⁴⁸ Mr. Davis discussed the service territory of Happy Cab. He also testified Happy Cab has a fleet of 130 vehicles currently in service as well as 15 wheelchair accessible vehicles prepared to provide service.⁴⁹ Happy Cab contracts with about 130 drivers. However, Mr. Davis testified to Happy Cab's ability to expand any time there is a spike in service need.⁵⁰ He indicated Happy Cab's ability to expand its vehicle fleet to include an additional 40 to 50 vehicles if there is, in fact, a need, as well as the ability to bring on additional drivers to operate those vehicles.⁵¹

In response to a question regarding the operating capacity of Happy Cab, Mr. Davis testified to Happy Cab's ability to serve additional clients. Mr. Davis further stated over the past few years, his company has comped negatively in terms of the average census of drivers and the average amount of completed trips.⁵² Mr. Davis indicated the reason for the negative comping is the amount of competition in the transportation market. He also expects to comp negatively over \$400,000 for the fiscal year in 2017.⁵³

⁴⁵ *Id.* at 74:6-75:9.

⁴⁶ *Id.* at 75:23-25

⁴⁷ *Id.* at 78:4-17.

⁴⁸ *Id.* at 84:12-14.

⁴⁹ *Id.* at 84:24-85:22.

⁵⁰ *Id.* at 86:4-13.

⁵¹ *Id.* at 94:2-24.

⁵² *Id.* at 86:19-87:7.

⁵³ *Id.* at 87:8-88:3.

Mr. Davis testified the largest impact of granting the application would be on drivers because of the direct impact it has on their income.⁵⁴ Mr. Davis also commented on the impact of TNCs on the taxi business. Specifically, he noted TNCs are an exclusive provider in that they only take individuals who have credit cards, are restrictive in their service, and will rate their customers.⁵⁵ This allows TNCs to cherry pick rides. Mr. Davis further addresses TNCs and party buses providing service only on the most lucrative rides, specifically rides to and from the bars and large events.⁵⁶

Ms. Pence questioned Mr. Davis on the service Happy Cab provides to the North Omaha area. Mr. Davis testified Happy Cab completed 6,943 trips just in North Omaha throughout the month of May.⁵⁷ Commissioner Ridder asked Mr. Davis to clarify how many of those trips were open class versus on demand. Mr. Davis testified that the trips were all provided by the taxi carriers, not open class, but they were a combination of DHHS and on demand.⁵⁸

Mr. Davis explained how the Intelliride system provides trips to the various providers. He further indicated a provider becomes a preferred provider by leasing the Intelliride tablets, creating a higher volume of HHS trips for the carrier.⁵⁹ Ms. Pence questioned whether Happy Cab could fulfill the HHS trips currently provided by Intelliride. Mr. Davis indicated they were currently fulfilling that obligation. He further stated Happy Cab has had to decrease the number of drivers serving HHS contracts because the drivers were not getting enough business from Intelliride to sustain themselves.⁶⁰ Mr. Davis testified DHHS service only makes up between fourteen and twenty percent of Happy Cab's business.⁶¹

Commissioner Landis questioned Mr. Davis on the ability of Happy Cab drivers to reject trips. Mr. Davis indicated a driver's ability to reject a requested ride is dependent on the employee model a company adopts. If a company operates under an

⁵⁴ *Id.* at 97:15-98:16.

⁵⁵ *Id.* at 99:21-100:4

⁵⁶ *Id.* at 101:1-17.

⁵⁷ *Id.* at 88:25-89:3, 89:15-16.

⁵⁸ *Id.* at 91:15-23, 115:18-25.

⁵⁹ *Id.* at 93:1-7.

⁶⁰ *Id.* at 93:8-94:1.

⁶¹ *Id.* at 92:3-6.

employee model, the driver lacks the ability to reject a requested ride. However, if a company operates under an independent contract model, like Happy Cab, Mr. Davis stated a driver has the option to accept or reject a trip.⁶²

The final witness was Alissa Kern on behalf of Camelot Transportation ("Camelot") and Triumph Transportation ("Triumph"). Ms. Kern is the Managing Director for Camelot and Triumph.⁶³ Ms. Kern indicated Camelot and Triumph currently provide transportation statewide for HHS and private pay clients. Triumph primarily serves customers in need of wheelchair service.⁶⁴ Even with the 52 drivers currently employed, the companies are operating at approximately half capacity.⁶⁵ Ms. Kern stated Camelot and Triumph have the drivers and equipment available to double their current business without needing to add vehicles or drivers.⁶⁶ Ms. Kern further indicated DHHS transportation makes up about 60% percent of the combined business of the companies.⁶⁷

Ms. Kern testified to the process of how a provider receives a trip from Intelliride. She explained Intelliride prioritizes trip assignments utilizing a tablet system. If a company does not rent the tablets, the company is placed into "overflow status," meaning they are manually assigned trips as tablet companies become unable to fulfill the trip requests.⁶⁸ In response to questions from Commissioner Schram, Ms. Kern testified providers may rent a tablet from Intelliride for \$200 per tablet per month and become a preferred provider.⁶⁹ Ms. Kern testified allowing another carrier into the already saturated market would likely lead to one of her drivers losing their job.⁷⁰

On cross-examination, Ms. Barfield questioned Ms. Kern regarding her decision not to purchase the tablets from Intelliride. Ms. Kern testified Camelot and Triumph had the tablets for approximately six months. During that time, the

⁶² *Id.* at 90:10-91:11.

⁶³ *Id.* at 119:15-18.

⁶⁴ *Id.* at 120:14-121:1.

⁶⁵ *Id.* at 123:18-124:13.

⁶⁶ *Id.* at 123:14-20.

⁶⁷ *Id.* at 123:21-24.

⁶⁸ *Id.* at 124:3-125:14.

⁶⁹ *Id.* at 125:17-23.

⁷⁰ *Id.* at 126:19-127.

companies did not experience a sufficient increase in business to warrant the cost of the tablets and the companies terminated the use of the tablets.⁷¹ Ms. Barfield questioned Ms. Kern on the type of clientele her companies serve. Specifically, Ms. Barfield inquired whether Ms. Kern's companies served "Resistant type people." Ms. Kern indicated her companies serve the needs of the public regardless of a client's behavior. Ms. Kern further expressed it would be inappropriate for her to ask a client prior to booking a ride whether they had any behavioral issues, so she would have no way of knowing in advance of the trip.⁷²

Commissioner Landis asked Ms. Kern if Camelot and Triumph require any specialized training for their drivers. Ms. Kern stated every year her drivers complete three hours of training on how to de-escalate situations, along with other safety training.⁷³ Commissioner Schram questioned Ms. Kern about her companies' service area, specifically the Omaha area. Ms. Kern stated during the month of May, her companies completed 1,934 trips in Douglas County alone.⁷⁴

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

In the present case, Applicant is seeking authority to provide transportation of passengers by van and station wagon in open class service between points in Douglas, Sarpy, and Lancaster Counties. Applicant is also seeking HHS Designation.

Applications for common carrier authority are governed by NEB. REV. STAT. § 75-311(1) (Cum. Supp. 2016), which provides:

A certificate shall be issued to any qualified Applicant authorizing the whole or any part of the operations covered by the application if it is found after notice and hearing that (a) the Applicant is fit, willing, and able properly to perform the service proposed...and (b) the proposed service, to the extent to be authorized by the certificate, whether regular or irregular, passenger or household goods, is or will be required by the present or future public

⁷¹ *Id.* at 128:25-129:10.

⁷² *Id.* at 132:7-25.

⁷³ *Id.* at 133:2-15.

⁷⁴ *Id.* at 134:23-135:12.

convenience and necessity. Otherwise, the application should be denied.

The Commission must apply this two-part test in order to grant an application for common carrier authority.

For the first part of the test, an applicant must prove that it is fit, willing and able to provide the proposed service. After reviewing the evidence presented at the hearing, the Commission finds there are fitness concerns for this Applicant. At the Hearing, Applicant testified she has previously operated a business. However, that business venture did not end well. Ms. Webb testified her employees took advantage of her and she was unable to sustain the business.⁷⁵ This raises significant concerns about Ms. Webb's ability to manage a business. Ms. Webb discussed the possibility of adding employees to her business over time. This incident calls into question whether she would be able to maintain control over the business if she brought in employees.

Additionally, on cross-examination, Ms. Pence questioned Ms. Webb about the losses she projected for the first three years of operations in her business plan. Ms. Webb explained she would experience losses to keep the business afloat, but that she would be able to cut down expenses. As outlined above, Ms. Webb was not able to identify any areas where substantial cuts in expenses could be made. The cuts she suggested in advertising and utilities would be unlikely to allow for significant reductions in expenses.

Based upon Ms. Pence's cross-examination, the Commission conducted further review of Ms. Webb's business plan. The plan actually did not project a loss for the company. Page 20 of her business plan identifies a net gain each of the first three years. Specifically, Ms. Pence focused on the numbers in year two. Ms. Webb projected a gross profit of \$62,400, expenses of \$36,830, and a before tax profit of \$25,570. Ms. Pence in her numbers subtracted the expenses a second time, this time from the before tax profit, which created the loss. Ms. Webb was unable to recognize this and agreed she would be taking a loss each year. This shows some unfamiliarity with her business plan and her expenses.⁷⁶

⁷⁵ Id. at 32:18-33:10

⁷⁶ Id. at 55:3-56:8; see also Exhibit 18, p. 20

Further, in reviewing the numbers presented in this plan, the Commission has concerns that the numbers are not realistic. Ms. Webb indicates she intends to complete 60 trips per week, but still projects a gross profit of \$62,400. This amount of money seems inflated given the allowable rates of non-emergency medical transportation for Medicaid recipients. Ms. Webb also fails to take into account any taxes on the income or payroll taxes if she hires an employee. She also underestimates the cost of Insurance based on the statutory requirements.

For the second part of the test, an applicant must prove that the service that it wishes to provide is required by public convenience and necessity. The Nebraska Supreme Court set forth the analysis for determining "public convenience and necessity," stating:

In determining public convenience and necessity, the deciding factors are (1) whether the operation will serve a useful purpose responsive to a public demand or need, (2) whether this purpose can or will be served as well by existing carriers, and (3) whether it can be served by the Applicant in a specified manner without endangering or impairing the operations of existing carriers contrary to the public interest.⁷⁷

The issue of whether an applicant has met its burden of demonstrating that the proposed service is required by public convenience and necessity is ordinarily a factual issue.⁷⁸

The Commission finds that the fitness concerns are sufficient to deny the application. However, even beyond the fitness issues raised, the record does not present sufficient evidence of necessity to support a grant of the application. First, Applicant produced only one additional witness, Shari Wynne. Ms. Wynne is a relative of Ms. Webb. While Ms. Wynne did testify she has had bad experiences with some carriers through Intelliride, she did not inform Intelliride of those issues in order to address them. She also was unaware that clients are not permitted to request a specific provider through Intelliride.⁷⁹

⁷⁷ *In re Application of Nebraskaland Leasing & Assocs.*, 254 Neb. 583, 591 (1998).

⁷⁸ *Id.*

⁷⁹ *Hrg. Transcr.* 73:22-74:13; 76:8-16; and 78:11-17

Ms. Webb's business plan cites data suggesting the transportation industry is growing.⁸⁰ However, on questioning, she was unable to explain the basis for this assessment. The Protestants offered the report cited by Ms. Webb into evidence. The report discusses Transportation as part of the service industry but does not specifically identify transportation as a growing industry.⁸¹ Further, Ms. Webb defines Non-emergency Medical Transportation as individuals who are not in an emergency situation but need more assistance than a taxi can provide.⁸² Ms. Webb testified repeatedly that she did not believe that taxis were able to provide this type of service because of the background checks involved. Yet, in her business plan, she specifically identified Happy Cab as a competitor. John Davis' testimony also confirms that taxis frequently serve DHHS clients.

Additionally, Ms. Webb currently offers some transportation services in connection with her work with Maximus and Standfast Transportation. Based upon her testimony, Ms. Webb believes that clients would be able to request her services.⁸³ Trips by client request may be the procedure for securing trips through Maximus or her current trips where she is the lowest cost provider at fifty-four cents per mile. However, as a certificated carrier accepting trips through Intelliride's portal, she would be unable to operate in such a manner. As discussed above, Intelliride's algorithm determines trip assignments. Carriers do not have the ability to seek out specific clients.

Applicant presented no evidence indicating the existing carriers are failing to meet the needs of consumers in the market Applicant seeks to enter. Mr. Davis and Ms. Kern each testified that Protestants have the ability to take on more customers in the market. Without evidence to the contrary, the Commission cannot determine whether the current providers are insufficient to meet client needs.

Finally, no evidence was offered showing such entry would be harmless to other carriers. Each of the Protestants testified that the approval of a new carrier would harm their

⁸⁰ Hrg. Ex. 18.

⁸¹ Hrg. Ex. 19.

⁸² Hrg. Ex. 18 p.2

⁸³ Hrg. Transcr. 36:7-18.

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businesses, but did not offer any market evidence in support of such assertions. Applicant did not offer any market research or testimony regarding the impact of entering the market on the operations of existing carriers. Therefore, the Commission cannot say that approving Applicant's application would be harmless to the existing providers.

From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds that the proposed application of Wynne-Win Transportation should be denied.

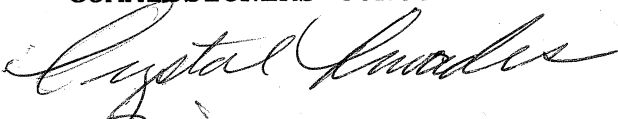
O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-1949 be, and is hereby, denied.

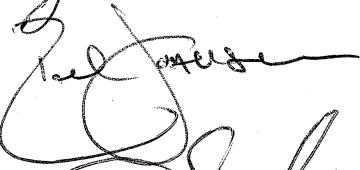
ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25th day of September, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

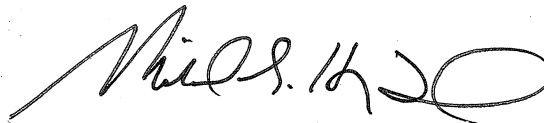
COMMISSIONERS CONCURRING:



Chair



ATTEST:



Executive Director

//s//Frank E. Landis

//s//Mary Ridder