

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. B-1960
Public Service Commission, on)
its own motion, to require)
Exclusive Limousine Service,) CERTIFICATE REVOKED
Lincoln, to show cause why the)
Commission should not revoke)
its Certificate of Public)
Convenience and Necessity.) Entered: October 30, 2018

BY THE COMMISSION:

On March 2, 2018, the Motor Transportation Department (Department) received an insurance Form K notifying the Department insurance for Exclusive Limousine would cease on April 2, 2018. The Department notified Sarah Foster, the owner of Exclusive Limousine, that action was required. Exclusive Limousine had taken no action by the date of the hearing. On August 21, 2018, the Commission entered an Order to Show Cause and Set Hearing. The order was sent by certified mail but was returned as undeliverable.

On October 10, 2018, a show cause hearing was held in the Commission Hearing Room in Lincoln, Nebraska. Ms. Jamie Reyes and Ms. Ellie Rohr appeared on behalf of the Commission staff. No appearance was made on behalf of Exclusive Limousine. Exhibits 1 through 6 were received into evidence.

E V I D E N C E

Ms. Rohr explained to the Commission that Sarah Foster, the owner of Exclusive Limousine, had moved to Minnesota.¹ Ms. Rohr further explained Ms. Foster indicated to the Department several months ago she intended to sell the business and transfer the authority, but to the best of the Department's knowledge Ms. Foster was unable to find a buyer.² Ms. Rohr noted the Department attempted to obtain Ms. Foster's new address. Ms. Foster declined to provide it.³ Ms. Rohr stated the Department did provide a copy of the Order to Ms. Foster via the same email she had utilized previously. The Department received no response.⁴

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

¹ Hrg. Transcr. 2:16-18 (October 10, 2018).

² *Id.* at 2:18-22.

³ *Id.* at 2:24-25.

⁴ *Id.* at 3:1-3.

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Exclusive Limousine, Lincoln, is a common carrier regulated by the Commission pursuant to NEB. REV. STAT. §§ 75-101 et. seq. and 75-301 et. seq. (2016 Cum.Supp.), and Title 291, Chapter 3 of Commission Rules and Regulations.

NEB. REV. STAT. § 75-315 states that certificates may be revoked after notice and hearing for willful failure to comply with Nebraska statutes governing the Commission, any Commission rule or regulation, or any term, condition, or limitation of the certificate. § 75-307(1) requires certificated carriers to comply with Commission rules regarding insurance and file those policies with the Commission. Title 291, Ch. 3 of the Commission Rules and Regulations §§003.03 and 006 set forth the minimum insurance requirements for motor carriers transporting passengers for a fee in this state.

Evidence entered into the record shows Exclusive Limousine's insurance was cancelled on April 2, 2018, as shown by the Form K Uniform Cancellation of Motor Carrier Insurance Policies entered into the record as Exhibit 2. Exclusive Limousine failed to update its insurance information after notification by the Department, and has not contacted the Commission staff regarding options available. No representative for Exclusive Limousine appeared at the hearing to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked.

Based on the evidence presented, the Commission finds the Certificate of Public Convenience and Necessity issued to Exclusive Limousine, Lincoln, should be revoked for failure to comply with NEB. REV. STAT. § 75-307(1) and Commission Rule 006.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity issued in Application No. B-1960 to Exclusive Limousine, Lincoln, be, and is hereby revoked.

IT IS FURTHER ORDERED that any vehicle plates which have been assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 30th day
of October, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cystal Knowles

Chair

Rep. J. J. ...

ATTEST:

Tim Schram

Michelle ...

Executive Director

//s//Frank E. Landis

//s//Mary Ridder