

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Caption: In the Matter of the)	Application No. B-1975
Application of Upper Hand)	
Transportation, LLC, Omaha,)	
seeking authority as a common)	
carrier in Nebraska intrastate)	
commerce in the transportation)	
of passengers by van in open)	
class service between points in)	
Cass, Douglas, Lancaster, Sarpy,)	ORDER OF PENDING DISMISSAL
and Washington counties, on the)	
one hand, and, on the other)	
hand, points in Nebraska over)	
irregular routes. RESTRICTIONS:)	
The transportation of railroad)	
train crews and their baggage is)	
not authorized. HHS Designation:)	
Yes.)	Entered: December 18, 2018

BY THE COMMISSION:

On April 10, 2018, an application was filed by Upper Hand Transportation, LLC, ("Applicant"), Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by van between points in Cass, Douglas, Lancaster, Sarpy, and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. The transportation of railroad train crews and their luggage is not authorized, and the HHS Designation is yes. Notice of the Application was published in the Daily Record, Omaha, on April 18, 2018, 2018. Timely protest were filed by Happy Cab Company, Checker Cab Company, Cornhusker Cab, and Valor Cab Company (now collectively known as Z-Trip); Golden Plains Services (GPS); Camelot Transportation; and Triumph Transportation. Protests were granted July 9, 2018.

On August 2, 2018, the Hearing Officer entered an Order Adopting Procedural Schedule and Setting Hearing. Hearing was scheduled for October 3, 2018. On September 25, 2018, Z-Trip filed a motion to compel discovery and continue the hearing alleging the Applicant had failed to respond to any discovery request. A telephonic hearing was held on that motion on October 1, 2018. During the call, Applicant indicated discovery would be provided by the end of the week. New dates were proposed for the hearing. All parties were to notify the Commission whether their clients would be able to appear on the proposed date. The Protestants confirmed dates with the

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Commission. Since that time, Commission staff have attempted to contact Applicant by email, letter, and telephone regarding discovery and setting a new hearing date. Commission staff sent a letter November 27, 2018, notifying Applicant action must be taken by December 7, 2018 or the Commission would enter an Order of Pending Dismissal. Applicant contacted the Commission on December 4, 2018, indicating discovery would be submitted to Protestants and the Commission by December 14, 2018. Applicant failed to meet this deadline.

Based on the above, the Commission finds that a deadline for action to be taken by Applicant in this docket should be set. If the Commission does not receive any communication or direction from Applicant concerning this application by **January 2, 2019**, the Commission will dismiss the application for failure to take timely action.

O R D E R



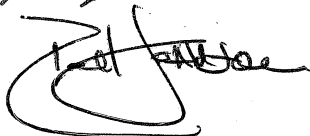
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a deadline for communication with the Commission by Upper Hand Transportation, LLC, Omaha, in Application No. B-1975 be, and is hereby, set for **January 2, 2019**.

IT IS FURTHER ORDERED that if Upper Hand Transportation, LLC, fails to take action by **January 2, 2019**, in Application No. B-1975, the Commission will exercise its authority to enter an order dismissing the application.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 18th day of December, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chair

Attest:



Executive Director

//s//Frank E. Landis

//s//Mary Ridder