

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) APPLICATION NO. BR-256  
 Prescription of Reasonable )  
 Rates and Charges for Motor ) DENIED  
 Carriers Passengers and )  
 Property for Hire Subject to )  
 the provisions of Neb. Rev. Stat. ) ENTERED: SEPTEMBER 26, 2000  
 (Reissue 1996), Chapter 75, )  
 Articles 1 and 3. )

BY THE COMMISSION:

OPINION AND FINDINGS

On September 20, 2000, R & F Hobbies, Inc., dba Prince of the Road, Ravenna, Nebraska, filed an application for authority to cancel its current non-charter bus rates and reestablish its non-charter bus rates as follows:

<u>Description</u>	<u>Proposed Rate</u>
I. Rural Passenger Rates (See Notes 1 & 2):	
A. For transportation service when authorization document or notice is received at least 24 hours prior to the requested pick up time and date:	
1. Single Passenger	\$0.89/mile/passenger
2. Multiple Passengers (See Note 3)	0.65/mile/passenger
B. For transportation service when authorization document or notice is received less than 24 hours prior to the requested pick up time and date:	
1. Same day service	\$1.29/mile/passenger
Note 1: Rural Transportation is subject to a minimum charge of \$39.00 per trip.	
Note 2: Rates are per loaded mile beginning when the client is picked up and ends when the driver and vehicle are released.	
Note 3: Multiple passengers must originate and terminate the trip at the same locations.	
II. Urban Passenger Rates:	
A. One-way transportation within a city	\$16.00/person
III. Additional Service Charges:	
A. Escort Services:	\$15.00/hour
B. Service before 7:00 a.m. or after 6:00 p.m.	\$20.00/trip

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| C. Additional stops at the direction of the passenger | \$ 5.00/stop |
| D. Wheelchair   | \$20.00/trip |
| E. Weekends/holidays                                  | \$20.00/trip |

Emergency action is requested.

Applicant is a certificated common carrier which holds Certificate B-1441. The certificate authorizes the transportation of passengers and their baggage by passenger van, cutaway van, and handicapped-equipped passenger and cutaway vans between points in Nebraska over irregular routes. The authority contains some restrictions.

In support of its application, the following statement is made:

"The rural transportation rates for passengers have been simplified to flat rates per mile regardless of the length of the trip. The difference in the rates lies in the advanced scheduling of the transportation. With advanced scheduling, and due to the number of units available across the state to Prince of the Road, it is anticipated that Prince of the Road can schedule the various transportation requests so as to maximize the number of passengers on board at any one time, which will make operations at the reduced rural passenger rates economically feasible.

"The increased competition on a state-wide basis, has necessitated this reduction in rates. The applicant's previously filed rates were noncompetitive with other rural carriers and this has resulted in a loss of business in many areas of the state. The applicant's current operations, its continued expansion of business in the state, and its emphasis on increased efficiencies in its operations will support this adjustment of rates and allow the applicant to maintain sound financial management, to remain competitive and to retain and increase its current business. The public interest and the transportation needs of the citizens of the state of Nebraska will be better served as a result."

Applicant's current rates were approved in December 1998. The proposed rural rates represent both an increase and a decrease. For example, any trip of 23 miles or less is cheaper under the current rates than the proposed minimum charge of \$39.00. Conversely, trips exceeding 23 miles will have a lesser charge under the proposed rates. The proposed rate for urban areas remains the same as the current rate.

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Section 75-121, R.R.S., 1996, as amended, states: "To prevent interstate rate wars and injury to any common carrier or other person or in case of any other emergency to be judged by the commission, the commission shall temporarily alter, amend, or suspend any existing rates in force in respect to any common carrier or fix any such rates if none exist. The order prescribing an emergency rate shall describe the emergency and may be entered and made effective immediately....." Applicant cites competition from other carriers and its current non-competitive rates as its justification for an immediate amendment to its rates. Applicant has known its rates were non-competitive for at least a year, and just now, it is seeking a rate change.

Upon consideration of the application and being fully advised in the premises, the Commission is of the opinion and finds that the application for a rate change made on an emergency basis should be denied and that the application be processed in accordance with the Commission's regular procedures and Section 75-119, R.R.S., 1996, as amended.

## ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the matter docketed in Application No. BR-256 be, and it is hereby, denied and that said matter be processed in accordance with the Commission's regular procedures and Section 75-119, R.R.S. 1996, as amended.

MADE AND ENTERED in Lincoln, Nebraska, this 26th day of September, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS, CONCURRING:

*Ronald Johnson*  
*Ann C. Boyle*  
*Tom Johnson*

//s//Frank E. Landis

*Frank E. Landis*  
 Chairman

ATTESTS:

*Paul S. Pollock*  
 Executive Director

