

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) APPLICATION NO. BR-301
Prescription of Reasonable Rates)
and Charges for Motor Carriers) GRANTED ON AN EMERGENCY
Passengers and Property for Hire) BASIS
subject to the Provisions of)
Neb. Rev. Stat. (Reissue 1996),) ENTERED: APRIL 19, 2005
Chapter 75, Articles 1 and 3.)

BY THE COMMISSION:

OPINION AND FINDINGS

On April 14, 2005, Laidlaw Transit, Inc., Omaha, Nebraska, filed an amendment to its application for authority to amend its charter bus rates for its use as follows:

| Description | Current | Proposed |
|----------------------------------|---------|----------|
| 1. Per hour charge or | \$32.50 | \$35.00 |
| 2. Per Mile (Loaded or unloaded) | \$1.85 | \$1.95 |
| 3. Minimum Charge | \$97.50 | \$105.00 |

Note: Charges are based on either the mileage or the hourly rate, whichever is greater.

Emergency action is requested.

Applicant is a certificated common carrier which holds Certificate B-1275. The certificate authorizes the transportation of passengers and their baggage between points in Nebraska over irregular routes. The transportation of railroad train crews and their baggage is not authorized.

The Applicant last received a rate increase in October of 2003. The increase at that time averaged approximately 5.5%.

According to the Applicant, the proposed rates are based on increasing costs such as vehicle maintenance, facilities and utilities. These costs have increased around 2.5% over the past year.

The applicant has also had to expend more to recruit, hire and retain employees. Its labor costs have increased for maintenance and staffing wages 2.5%, and driver wages up to 5.3%. The Applicant states that the labor market in Omaha requires that these wages be paid in order to attract and maintain a good work force.

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The third factor cited by the Applicant for its request for an increase is the cost of fuel. The cost of fuel is stated to be 43.2% higher than it was last year.

The proposed rates represent an increase in the hourly rate and the minimum charge of 7.7%, and an increase in the per mile rate of 5.4%.

The Commission is aware of several of the factors cited by the applicant in its request for an emergency rate increase. The costs of gasoline have increased substantially in the past few weeks to over \$2.20 per gallon. The amount of this increase in the cost of fuel is creating economic issues for the entire industry and must be addressed quickly to prevent injury to carriers.

The rates as proposed are competitive with the rates on file for other carriers providing a similar service. The application is filed in compliance with Sections 75-308 (Rates) and 75-121 (Emergency Rate Orders) R.R.S. 2003 and the Commission rules.

Upon consideration of the application and being fully advised in the premises, the Commission is of the opinion and finds that the application should be granted effective April 21, 2005.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective April 21, 2005, Laidlaw Transit, Inc., Omaha, Nebraska, be, and it is hereby, authorized to establish charter bus rates for its use as follows:

| Description | Rates | |
|-----------------------|---------|----------|
| 1. Per hour charge or | \$32.50 | \$35.00 |
| 2. Per Mile | \$1.85 | \$1.95 |
| 3. Minimum Charge | \$97.50 | \$105.00 |

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that public notice of this action be published in The Daily Record, Omaha, Nebraska pursuant to the provisions of Section 75-121. R.R.S. 2004, and the Commission's rules.

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MADE AND ENTERED at Lincoln, Nebraska, this 19th day of
April, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Anne C. Bayle
Frank E. Landis

Chairman

Gerald L. Vap

ATTEST:

Executive Director

And S. Pollack

//s// Frank E. Landis

//s// Gerald L. Vap