

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	APPLICATION NO. BR-309
Prescription of Reasonable Rates)	
and Charges for Motor Carriers)	
Passengers and Property for Hire)	GRANTED ON AN EMERGENCY
subject to the Provisions of)	BASIS
Neb. Rev. Stat. (Reissue 2003),)	
Chapter 75, Articles 1 and 3.)	
)	ENTERED: FEBRUARY 7, 2006

BY THE COMMISSION:

OPINION AND FINDINGS

On December 29, 2005, Berniklau Education Solutions, Inc., dba Berniklau Education Solutions Team, Lincoln, Nebraska, filed an application for authority to amend its contract passenger rates as follows:

Description	Current	Proposed
A. First Passenger	\$6.00	\$8.00
B. Each Additional Passenger	\$4.00	\$4.00
C. Per Running Mile	\$0.345	
C. Per Loaded Mile		\$1.35

Emergency action is requested.

Applicant is a certificated common carrier which holds Certificate B-1489. The certificate authorizes the transportation of minors between points in Lancaster County over irregular routes under continuing contracts with FHC Options, Inc.

In support of its application, the Applicant represents to the Commission that its last increase was in March of 2001. Since that time, its insurance, employee expenses are fuel costs have increased. Employee expenses have risen five to ten percent per year. The Commission is also well aware of the increase in the costs of fuel over the past year.

The primary reason for the size of the increase is that the Department of Health and Human Services changed the manner in which it pays the Applicant. Prior to November of 2005, the applicant was paid on a total mile basis for the trips provided

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to it by the Applicant. Effective November of 2005, the Department will pay the Applicant for loaded miles only.

The Applicant provides educational services for children that have disabilities. The transportation provided to these children range over the City of Lincoln as well as rural communities in Lancaster County. This transportation is provided only to clients of the Department as well as by contract with various school systems, and not to the general public. The change in the payment method would incur a substantial negative impact on the Applicant if a rate increase is not approved.

The current approved rate is far below what the Department of Health and Human Services is currently paying other providers such as the Applicant and have been approved by this Commission. The Department of Health and Human Services raised its per mile rate \$1.23 per loaded mile. The applicant represents to the Commission that it will be at a disadvantage with regards to its Health and Human Services contract and clients if the rate is not approved.

In order to grant an application on an emergency basis, the applicant must show and the Commission must find that an emergency situation exists. The Commission does find that the rates should be approved on an emergency basis due to the change in the payment methodology to the Applicant and that, therefore, the applicant will be at a disadvantage with regards to the Department of Health and Human Services if the rate increase is not granted. While the Commission would not normally approve a rate increase of this size, the Applicant should be placed in a position to contract as best it can with the Department of Health and Human Services. The Commission finds, however, that the rate increase should be set at the current Department rate of \$1.23 per loaded mile.

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 on an emergency basis effective February 10, 2006.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Berniklau Education Solutions, Inc., dba Berniklau Education Solutions Team, Lincoln, Nebraska, be, and it is hereby, authorized to amend its contract passenger rates on an emergency basis, effective February 10, 2006, as follows:

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<u>Description</u>	<u>Rates</u>
A. First Passenger	\$8.00
B. Each Additional Passenger	\$4.00
C. Per Loaded Mile	\$1.23

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. 2003, and the Commission rules.

MADE AND ENTERED at Lincoln, Nebraska, this 7th day of February, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING



//s// Lowell C. Johnson
//s// Frank E. Landis


Chairman

ATTEST:


Executive Director