

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the  
Prescription of Reasonable  
Rates and Charges for Motor  
Carriers Passengers and  
Property for Hire subject to  
the Provisions of Neb. Rev.  
Stat. (Reissue 2003), Chapter  
75, Articles 1 and 3.

) APPLICATION NO. BR-352  
)  
) GRANTED IN PART, DENIED  
) IN PART ON AN EMERGENCY  
) BASIS  
)  
) ENTERED: JULY 14, 2009

BY THE COMMISSION:

OPININON AND FINDINGS

On July 3, 2009, Papio Transport Service, Inc., Papillion, Nebraska, filed an application for authority to amend rates for its use in its operations as follows:

Description	Proposed Rates
Regular Rate	\$16.50 one way

After Hour Rate	\$36.50 one way
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(Normal business hours are 6:00 a.m. until 8:00 p.m. Central Time Monday through Saturday. After hour rate applies to all pick-ups before or after normal business hours--After hour rate applies to trips outside of normal business hours.)

Holiday Charge:	\$10.00 one way
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(Holiday charge is in addition to all other charges on the following holidays: New Years Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.)

Additional Charges: If the primary passenger needs a medical escort, or needs to have additional family members accompany them, including foster parents or children, the charge is \$5.95 per additional passenger.

Interstate Rate	\$1.32/loaded mile
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Emergency action is requested.

Applicant is a certificated common carrier which holds Certificate Number B-1733. The certificate authorizes the

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transportation of passengers in open class service over irregular routes between points in Douglas and Sarpy counties and between points in said counties. HHS Designation: Yes. Transportation of Railroad Train Crews: No

The Applicant received authority to operate from the Commission under Certificate Number B-1733 on April 21, 2009. The Applicant is amending its rates for use in this certificate.

In BR-351, the Commission on an emergency basis a tariff for Papio that included a regular rate charge, an after hour rate charge, but denied a holiday charge and additional charges. There was no mileage requested in BR-351. In this application is again requesting that the Commission approve a holiday charge and an additional passenger charge as well as the interstate mileage charge.

The Commission requested that the applicant submit further evidence regarding the necessity of the holiday charge and the additional charges. In this application, the applicant states that its initial business plan was based upon receipt of around \$20 per trip from the Department of Health and Human Services. HHS has contracted with the applicant for an amount just under \$16 per trip, thus necessitating the additional charge of \$5.95 per person, excluding medical escorts, according the applicant. No additional information was presented regarding the holiday charge.

The Commission finds that the additional evidence submitted regarding the additional charge per passenger is sufficient to grant that portion of the application. The applicant did not sufficiently address the holiday rate issue, so that portion of the application should be denied until further evidence is presented.

The mileage charge as requested is necessary, according to the applicant, in order for the Nebraska Department of Health and Human Services to authorize payment for out-of-state transports performed by the applicant. The Commission finds that the rate as submitted is reasonable, and approves it for the use by the applicant for the stated use.

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The Commission finds that the application should be granted in part and denied in part. The proposed rate for additional passengers being transported from the same location to the same destination, excluding medical escorts should be granted on an emergency basis, as well as the mileage charge requested for trips that are interstate in nature. However, the Commission finds that the Holiday Charges should not be ruled upon until after the receipt of more information from the Applicant regarding this charge.

In applications such as these, the Commission must find that an emergency situation exists. Such a situation exists in this application as the Applicant initially requested the additional passenger charge and has now supplied sufficient evidence as to its necessity, and that the applicant would not receive compensation for interstate trips from HHS until the said rate is approved.

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 in part and denied in part on an emergency basis effective July 17, 2009.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective July 17, 2009, Papio Transport Service, Inc., Papillion, Nebraska, be, and it is hereby, authorized to amend rates for its use as follows:

Description	Rates
Regular Rate	\$16.50 one way

After Hour Rate	\$36.50 one way
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Additional Passengers:	\$5.95 one way
-More than one person transported from the same origination point to the same destination, excluding medical escorts	

Interstate Mileage Rate	\$1.32/loaded mile
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(Normal business hours are 6:00 a.m. until 8:00 p.m. Central Time Monday through Saturday. After hour rate applies to all pick-ups before or after normal business hours- After hour rate applies to trips outside of normal business hours.)

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The Commission orders that additional information shall be submitted to the Commission for further consideration regarding the Holiday Charges.

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. 2008, and the Commissions Rules.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of July, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. Vop*  
*Frank E. Landis*  
Chairman

ATTEST:

*Aune C. Doyle*  
Executive Director

*Tim Schram*

//s// Frank E. Landis