

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	) APPLICATION NO. BR-369
Prescription of Reasonable	)
Rates and Charges for Motor	) GRANTED IN PART, DENIED
Carriers Passengers and	) IN PART ON AN EMERGENCY
Property for Hire subject to	) BASIS
the Provisions of Neb. Rev.	)
Stat. (Reissue 2003), Chapter	) ENTERED: JULY 13, 2010
75, Articles 1 and 3.	)

BY THE COMMISSION:

## OPININON AND FINDINGS

On July 9, 2010, 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	\$20.00 one way

After Hour Rate	\$30.00 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 \$7.00 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

APPLICATION NO. BR-369

PAGE 2

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-352, the Commission granted on an emergency basis a tariff for Papio that included a regular rate charge, an after hour rate charge, and an mileage charge but denied a holiday charge. In this application is again requesting that the Commission amend the rates as currently charged as well as approve a holiday charge.

The Applicant submitted to the Commission several reasons for the proposed increases. The insurance costs that the Applicant has incurred have doubled due to increased exposure of performing HHS transportation. According to documentation supplied to the Commission, the average insurance premium per vehicle was around \$1,300 in 2008/2009. The amount per vehicle in 2010 was increased to \$2,544.

The Applicant also noted that its workers compensation insurance increased in 2010. The Rate per \$100 of Remuneration in 2009 was 6.48. The rate in 2010 was increased to 9.31.

The Commission is aware of the increase in the costs of fuel that has occurred in 2010 compared with 2009. These costs are not expected to decrease in any significant amount throughout 2009 and result in an increase in the costs for operations such as that run by the Applicants.

The Applicant also sent a copy of a proposed contract with MTM to transport MTM clients in the Omaha area at the rate of \$20 for the first twenty miles. The Applicant intends to enter into the contract with MTM but cannot do so until the Applicant's approved rates permit it to do so.

The Commission requested that the applicant submit further evidence regarding the necessity of the holiday

APPLICATION NO. BR-369

PAGE 3

charge in BR-352. With this application, the Applicant noted that the primary reason for the holiday charge is the lack of drivers willing to give up holiday time with their own families in order to transport on those days. The additional charge is intended to create an additional incentive for these drivers to operate on these holidays.

The changes proposed in the Applicant's rates are a twenty-one percent increase in the One Way Transport, a seventeen percent increase in the additional passenger transport charge, and the addition of the Holiday Charge to the rate structure. The One Way Transport Charge would be approved in line with the proposed contract charge with MTM as well as being very close to the charge of another competing company. The Additional Passenger Charge would be raised to \$7.00 per additional passenger excluding medical escorts.

The Commission finds that the application should be granted in part and denied in part. The proposed rate for One Way Transport and additional passengers being transported from the same location to the same destination, excluding medical escorts should be granted on an emergency basis. However, the Commission finds that the information provided regarding the Holiday Charges is still not sufficient until after the receipt of additional 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 has incurred significant increases in its costs, primarily in insurance and fuel. The Applicant will also not be in a position to enter into a contract with MTM if the rates remain as they are currently set.

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 23, 2010.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

APPLICATION NO. BR-369

PAGE 4

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective July 23, 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	\$20.00 one way
After Hour Rate	\$30.00 one way

Additional Passengers: \$7.00 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

(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.)

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 13th day of July, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

 Chairman   
 ATTEST:   
 Executive Director

//s// Frank E. Landis  
//s// Gerald L. Vap