

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| In the Matter of the             | ) | APPLICATION NO. BR-397     |
| Prescription of Reasonable Rates | ) |                            |
| and Charges for Motor Carriers   | ) |                            |
| Passengers and Property for Hire | ) | GRANTED AS AMENDED ON AN   |
| subject to the Provisions of     | ) | EMERGENCY BASIS            |
| Neb. Rev. Stat. (Reissue 2003),  | ) |                            |
| Chapter 75, Articles 1 and 3.    | ) | ENTRERED: NOVEMBER 8, 2011 |

BY THE COMMISSION:

On November 1, 2011, Capeace, Inc., d/b/a Commuter Express, Omaha, Nebraska, filed an application for authority to establish rates for its use in its operations as follows:

| Description                                      | Proposed  |
|--|-----------|
| One Way Trips, up to an including ten (10) miles | \$20.00   |
| Additional Mileage beyond ten (10) miles         | \$1.50/mi |
| Wait Time (per 15 minutes)                       | \$5.00    |
| Fuel Surcharge:                                  |           |
| Fuel Price over \$4.00/gallon (per trip)         | \$2.00    |
| Fuel Price over \$4.50/gallon (per trip)         | \$3.00    |
| Fuel Price over \$5.00/gallon (per trip)         | \$4.00    |
| Fuel Price over \$4.50/gallon (per trip)         | \$5.00    |

Discount Program:

(Discount is applied to the total bill for the trip)

|  |        |
|--|--------|
| Senior Citizens (65 years and older)   | \$5.00 |
| Members of the Military  | \$5.00 |
| Promotion Coupons offered to the General Public<br>At discretion of Commuter Express | \$2.00 |

Emergency action is requested.

## O P I N I O N   A N D   F I N D I N G S

Applicant is a certificated carrier which holds Certificate Number B-1792. The certificate authorizes the transportation of passengers by bus in charter and special party service between all points in Nebraska over irregular routes. RESTRICTION: The

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. BR-397

Page 2

transportation of railroad train crews and their baggage is not authorized. HHS Designation: No.

The Applicant received authority to operate from the Commission under Certificate Number B-1792 on November 2, 2011. The Applicant is establishing its rates for use in this certificate. The Applicant represents to the Commission that the proposed rates are based upon anticipated expenses in vehicle maintenance, fuel expenses, insurance premiums, advertising and other overhead charges.

The Commission finds that the rates as proposed are reasonable and should be approved except for the proposed Promotion Coupons to the general public. This proposal states that these coupons could be offered "at the discretion of Commuter Express." The nature of this coupon is not specific enough to provide for certain regulation. The Commission has rejected these types of coupons in the past, and will not approve of this coupon in this application.

Commission staff has discussed the general public coupon issue with the legal representative of the Applicant. The Applicant has requested that the proposed rate for a general public coupon be amended to read "Promotional Coupons in \$2.00 increments may be offered to the general public in the form of newspaper and/or other printed media coupons." This is language for a rate that has been approved by the Commission in other rates on file. The Commission finds that this amended language is reasonable and should be approved.

In applications such as these, the Commission must find that an emergency situation exists. Such a situation exists in this application as the Applicant cannot begin operations under its certificate as granted until the rates are approved. Therefore, the Commission finds that an emergency basis exists that allows the Commission to grant the Application as amended on an emergency basis.

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 November 9, 2011

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective November 9, 2011, Capeace, Inc., d/b/a

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. BR-397

Page 3

Commuter Express, Omaha, Nebraska, be, and it is hereby, authorized to establish rates for its use as follows:

| Description                                      | Rate      |
|--|-----------|
| One Way Trips, up to an including ten (10) miles | \$20.00   |
| Additional Mileage beyond ten (10) miles         | \$1.50/mi |
| Wait Time (per 15 minutes)                       | \$5.00    |

Fuel Surcharge:

|  |        |
|--|--------|
| Fuel Price over \$4.00/gallon (per trip) | \$2.00 |
| Fuel Price over \$4.50/gallon (per trip) | \$3.00 |
| Fuel Price over \$5.00/gallon (per trip) | \$4.00 |
| Fuel Price over \$4.50/gallon (per trip) | \$5.00 |

Discount Program:

(Discount is applied to the total bill for the trip)

|                                      |        |
|--------------------------------------|--------|
| Senior Citizens (65 years and older) | \$5.00 |
|--------------------------------------|--------|

|                         |        |
|-------------------------|--------|
| Members of the Military | \$5.00 |
|-------------------------|--------|



Promotional Coupons in \$2.00 increments may be offered to the general public in the form of newspaper and/or other printed media coupons.

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. 2010, and the Commission Rules.


MADE AND ENTERED at Lincoln, Nebraska, this 8th day of November, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s// Frank Landis  
//s// Tim Schram

  
Chairman

ATTEST:   
Executive Director