

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	APPLICATION NO. BR-428
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.)	
(Berniklau Education Solutions,)	
Inc.))	ENTERED: AUGUST 6, 2013

BY THE COMMISSION:

OPINION AND FINDINGS

On July 31, 2013, Berniklau Education Solutions, Inc., dba Berniklau Education Solutions Team, Lincoln, Nebraska, filed an application for authority to amend its contract passenger rates as follows:

<u>Description</u>	<u>Current</u>	<u>Proposed</u>
C. Per Loaded Mile	\$1.35	\$1.57

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 February of 2006. The primary reason for the proposed increase is that the Department of Health and Human Services changed contractual amount that it pays to providers such as the Applicant. The Applicant's currently approved rate is \$1.35, while the Department of Health and Human Services is paying over \$1.50 per mile for similar services.

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 limit that the Applicant is currently operating

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under creates a substantial negative impact on the Applicant as it cannot take advantage of the contract rate.

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 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 increase in the contract rate paid by the Department of health and Human Services, therefore, the applicant will be at a disadvantage with regards to it 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.

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 August 16, 2013.

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 August 16, 2013, as follows:

<u>Description</u>	<u>Rates</u>
C. Per Loaded Mile	\$1.57

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.

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MADE AND ENTERED at Lincoln, Nebraska, this 6th day of August, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




Chair



ATTEST:


Executive Director



//s// Anne C. Boyle

//s// Frank E. Landis