

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	APPLICATION NO. LR-257
Prescription of Reasonable Rates	)	
and Charges for Motor Carriers	)	GRANTED ON AN EMERGENCY
Passengers and Property for Hire	)	BASIS
Subject to the Provisions of	)	
Neb. Rev. Stat. (Reissue 1996),	)	
Chapter 75, Articles 1 and 3.	)	ENTERED: AUGUST 2, 2005

BY THE COMMISSION:

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

On July 28, 2005, Brown's Crew Car of Wyoming, Inc., d/b/a Armadillo Express, Cheyenne, Wyoming, filed an application for authority to amend its rates and charges applying in Nebraska intrastate commerce for the transportation of passengers and their baggage between points in Nebraska as follows:

Part II.

Add a new Paragraph G as follows:

G. For any calendar month in which the retail cost of regular gasoline at the beginning of such month, as determined from the Gasoline and Diesel Fuel Update prepared by the U.S. Department of Energy for the Midwest Region exceeds \$1.45 per gallon, a fuel surcharge shall be added to the per-hour rates specified in this Part II. For purposes of determining this fuel surcharge, it shall be conclusively presumed that 1.4 gallons of fuel are consumed for each hour of service provided subject to per-hour rates. The fuel surcharge shall be computed (1) by first multiplying the number of hours of service provided subject to per-hour rates by 1.4 gallons per hour to determine the total number of gallons consumed subject to the fuel surcharge, and then (2) multiplying the total number of gallon so determined by the difference between the (i) the retail cost per gallon of regular gasoline at the beginning of the month for which the fuel surcharge is to be applied, as determined from the Gasoline Fuel Update as aforesaid, and (ii) \$1.45 per gallon.

Renumber the current Paragraph G and amend as follows (changes are underlined):

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H. Alternation of Rates. Notwithstanding any other provision of this Part II, Carrier's charges for each trip provided using dedicated vans requested by railroad as provided in this Part II shall be the greater of either the charges determined in accordance with the applicable hourly rate specified in this Part II or the charges determined in accordance with the mileage rate specified in Part I, in each case taking into account any applicable fuel surcharge.

Renumber current Paragraph H to Paragraph I with no other changes.

I. Electronic Transmissions. Written notices required or permitted by this Part II may be transmitted via fax, e-mail, or any other available means of electronic communication, the authenticity whereof may be reasonably verified.

Emergency action is requested.

Applicant is an authorized common carrier holding operation authority from the Commission in Certificate B-1144 and supplements thereto. The authority granted permits the transportation of passengers and their baggage between points in Nebraska.

In support of this application, the Applicant states that the proposed additions to Part II were inadvertently omitted from its request as granted by the Commission in LR-247 in January of 2004. While the vans subject to this proposed fuel surcharge travel lesser distances than the over-the-road vans that are the subject of Part I, the cost of fuel has escalated to the point where the costs have become too prohibitive for the Applicant to absorb. The Applicant suggests that proposed addition of the surcharge is necessary for it to avoid financial injury and impairment of its ability to continue to fully and satisfactorily carry on its business.

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 12, 2005.

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O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective August 12, 2005, Brown's Crew Car of Wyoming, d/b/a Armadillo Express, Cheyenne, Wyoming, be, and it is hereby, authorized to amend its rates for its use as set out above.

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. 1996, and the Commission's rules.

MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of August, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Frank E. Landis*  
*Aune C. Boyle*  
*Rod Johnson*

Chairman

*Gerald L. Vap*

ATTEST:

*John Burdick*

Deputy Director

//s// Frank E. Landis

//s// Gerald L. Vap