

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) APPLICATION NO. LR-319
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 2003),)
Chapter 75, Articles 1 and 3.) Entered: DECEMBER 14, 2010

BY THE COMMISSION:

OPINION AND FINDINGS

On December 9, 2010, SMC Shared Mobility Coach, Omaha, Nebraska, filed an application for authority to amend its open class rates for its use as follows:

Description	Proposed Rates
I. Base Rates: (Trips up to ten miles of point of origin)	
Rate 1: 1. -A: No Driver assistance required:	\$18.00
Rate 1: 2. -A: Wait time in excess of 30 min.	\$9.00/hr
Rate 1: 3. -A: No show	\$9.00
Rate 2: 1. -B: Driver assistance required	\$42.00
Rate 2: 2. -B: Wait time in excess of 30 min.	\$21.00/hr
Rate 2: 3. -B: No show	\$21.00

Definitions:

1. Adaptive equipment required lift usage.
2. Service required driver assistance required by the rider's special needs.
3. Time required by each rider to meet their needs: the securing required for the individual and their adaptive equipment.

II. Mileage Rates: (Trips exceeding ten miles from point of origin)

Rate 1: II. -A: No Driver assistance required:	\$1.75/mi
Rate 2: II. -B: Driver assistance required:	\$3.90/mi

4. Adaptive equipment required lift usage.

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5. Service required driver assistance required by the rider's special needs.
6. Time required by each rider to meet their needs: the securing required for the individual and their adaptive equipment.

III. Hourly rate where the driver and van are required to remain on site for an amount of time:

\$85.00/hour

IV. Additional charge: If the primary passenger needs a medial escort or needs an interpreter those person will be transported at no charge. Those persons must be of the age and ability to assist the primary passenger. Those persons must have the ability to translate the spoken word into sign language or the language of the primary passenger to English.

Emergency action is requested.

Applicant is a certificated common carrier which holds Certificate B-1669. The certificate authorizes the transportation of passengers and their baggage in vans especially modified according to the Americans with Disabilities Act who require driver assistance to board and exit the vans, and their attendants, between points within a 60 mile radius of Omaha on a flat rate basis within ten miles of the point of origin and on a mileage basis thereafter.

The Applicant last received a rate increase in July of 2009. In this application, SMC is requesting that its rates be reduced or unchanged. The proposal requests that the Base Rates be reduced by forty-seven percent and by ten percent, depending on the level of service provided to the passenger. The mileage rate for no assistance required has been requested to be reduced by forty-two percent, while the assistance mileage and the hourly rate are proposed to remain the same.

The Applicant cites that the market has changed in the last few months with the advent of brokerage services being used in relation to contracts with the Nebraska Department of

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Health and Human Services. The contracts that are being implemented by these brokers have brought a change to the marketplace that the Applicant needs to respond to. Its prior rates have become uncompetitive, and therefore the Applicant is requesting that the proposed rates be approved so that it can become competitive again.

The rates as applied for are based upon current contractual rates in conjunction with contracts related to the Nebraska Department of Health and Human Services. The majority of the trips performed by the applicant are pursuant to these contracts. The Commission finds that the rates are reasonable under the circumstances of the contracts with the Department.

In order to grant an application on an emergency basis, the Commission must find that an emergency situation exists. The Applicant has cited that it is currently not competitive with its current rates, and will not be until such time as these rates are approved by the Commission. In light of this fact and that the request reduces most of its rates and leaves the remainder unchanged, the Commission finds that the application should be approved on an emergency basis.

The rates proposed are reasonable for the service provided. The application is filed in compliance with Sections 75-308 (Rates) R.R.S. 2007 and the Commission rules.

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 December 17, 2010.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that, effective December 17, 2010, SMC Shared Mobility Coach, Omaha, Nebraska, be, and it is hereby, authorized to amend its rates for its use as follows:

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III. Hourly rate where the driver and van are required to remain on site for an amount of time:

\$85.00/hr

IT IS FURTHER ORDERED by the Nebraska Public Service that notice of this amendment to their rates be conspicuously displayed within each vehicle.

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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. 2007, and the Commissions Rules.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of December, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

David Johnson

Chairman

Gerald L. Vap

Rene Boye

ATTEST:

John Survanis

Tim Schram

Deputy Executive Director

//s// Frank E. Landis

//s// Gerald L. Vap