

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Application No. MCC-3190
Public Service Commission)	
Motor Transportation)	ORDER DISMISSING IN PART
Department, regarding)	AND SUSTAINING IN PART
delinquent annual fee)	
payments.)	Entered: April 19, 2016

BEFORE THE COMMISSION:

On March 15, 2016, the Motor Transportation Department (Department) of the Nebraska Public Service Commission (Commission) opened the above-captioned docket regarding delinquent annual fee payments, entering an Order setting a show cause proceeding for regulated carriers that had not paid annual fees to the Commission prior to March 1, 2016.

As of March 1, 2016, the following carriers had not paid the appropriate annual fees to the Commission: Country Road Limousine, LLC (Country Road); Elite Limo of Omaha, LLC (Elite Limo); Leisure Bus Transportation (Leisure Bus); Playmakers Bar & Grill (Playmakers); Goodwill Medical Transportation (Goodwill); and Bekins/Thornton Moving & Storage (Bekins/Thornton). Notice of the hearing was sent by certified mail to all affected carriers.

A hearing was held on the complaint on April 5, 2016, in the Commission Hearing Room. Mr. Mark Breiner and Ms. Jamie Reyes appeared on behalf of the Commission. No affected carriers appeared at the hearing.

E V I D E N C E

Mr. Mark Breiner, Director of the Motor Transportation Department, testified before the Commission. Mr. Breiner stated that Goodwill paid its annual fee and filed its annual paperwork with the Commission upon receipt of the March 15, 2016, Order. According to Mr. Breiner, all carrier information for Goodwill is now current. Mr. Breiner recommended that the Commission dismiss the complaint against Goodwill.

In regards to the remaining carriers, Mr. Breiner stated that the Department received certified mail return receipts from Elite Limo, Bekins/Thornton, and Country Road. Mr. Breiner stated that Bekins/Thornton informed him that the company has not been in business since May 2015. As of the date of the

hearing, Mr. Breiner had not received any communication from the remaining companies. Mr. Breiner recommended that the Commission sustain the complaints against Country Road Limousine, Elite Limo of Omaha, Playmakers Grill & Bar, Leisure Bus Transportation, and Bekins/Thornton Moving & Storage, and revoke the certificates for each carrier for failure to comply with NEB. REV. STAT. § 75-305 and Commission Rules and Regulations.

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

The motor carriers subject to this complaint are regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. seq. (Supp. 2015), § 75-301 et. seq. (Supp. 2015), and Title 291, NAC Ch. 3 of Commission Rules and Regulations.

NEB. REV. STAT. § 75-305(1) (Supp. 2015) requires all regulated motor carriers except transportation network companies to pay an annual fee to the Commission in an amount determined by the Commission not to exceed eighty dollars (\$80) on each motor vehicle operated. Annual fees are due and payable to the Commission on or before January 1 and are considered delinquent March 1.¹

The carriers named in the March 15, 2016, Order failed to timely comply with § 75-305(3). The Commission, therefore, may revoke the certificates of public convenience and necessity issued to the carriers after notice and public hearing.

Subsequent to the complaint, it was determined that one carrier had complied with the provisions of § 75-305 and paid its annual fees. Therefore, the complaint should be dismissed against the following:

Goodwill Medical Transportation

The remaining carriers were notified of the requirements of § 75-305 by first class mail on November 2, 2015. The Department also attempted to contact the carriers after January 1, and again prior to the entry of the March 15 Order to Show Cause. The carriers were sent copies of the March 15, 2016, order and notice of the April 4, 2016, show cause hearing. The carriers did not appear at the April 4, 2016, hearing to show cause as to why their certificates of public convenience and necessity should not be revoked. With the exception of Bekins/Thornton,

¹ Neb. Rev. Stat. § 75-305(3) (Supp. 2015).

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the remaining carriers have not contacted the Commission regarding the annual fees or complaint. Therefore, the Certificates of Public Convenience and Necessity issued for the following carriers should be revoked:

Country Road Limousine, LLC
Elite Limo of Omaha, LLC
Leisure Bus Transportation
Playmakers Bar & Grill
Bekins/Thornton Moving & Storage

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaint against Goodwill Medical Transportation be, and is hereby, dismissed.

IT IS FURTHER ORDERED that the complaint against Country Road Limousine, LLC, Elite Limo of Omaha, LLC, Leisure Bus Transportation, Playmakers Bar & Grill, and Bekins/Thornton Moving & Storage be, and is hereby, sustained and the Certificates of Public Convenience and Necessity be, and are hereby, revoked.

IT IS FURTHER ORDERED that the carriers revoked herein shall cease and desist providing service in the State of Nebraska as of the effective date of this Order. Any vehicle plates which have been assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.


ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 19th day of April, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




//s//Frank E. Landis
//s//Crystal Rhoades
//s//Tim Schram


Chairman

ATTEST:



Deputy Director