

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Jamie Reyes,)	Application No. MCC-3192
Director, Motor Transportation)	
Department, Nebraska Public)	
Service Commission,)	
Complainant,)	
vs.)	
Black Tie Limousine; D&L)	ORDER DISMISSING IN PART
Express, Inc.; Denver Coach,)	AND SUSTAINING IN PART
Inc.; National Health)	
Transport, Inc.; Premier Party)	
Lines, LLC; Goodwill Medical)	
Transportation; The Happy Bus,)	
LLC; Advantage Moving; Canning)	
Truck Service, Inc.,)	
Respondents.)	Entered: May 16, 2017

BEFORE THE COMMISSION:

On March 7, 2017, 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. A hearing was scheduled for April 11, 2017

As of March 1, 2016, the following carriers had not paid the appropriate annual fees to the Commission: Black Tie Limousine; D&L Express, Inc.; Denver Coach, Inc.; National Health Transport, Inc.; Premier Party Lines, LLC; Goodwill Medical Transportation; The Happy Bus, LLC; Advantage Moving; and Canning Truck Service, Inc. Notice of the hearing was sent by certified mail to all affected carriers.

On March 28, 2017, the Commission entered an order dismissing Black Tie Limousine, D&L Express, Inc., Denver Coach, Inc., National Health Transport, Inc., Premier Party Lines, LLC, and Advantage Moving from the Complaint.

A hearing was held on the complaint on April 11, 2017, in the Commission Hearing Room regarding the remaining Respondents, Goodwill Medical Transportation and Canning Truck Services. Ms.

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Jamie Reyes and Mr. Matt Effken appeared on behalf of the Commission. No affected carriers appeared at the hearing.

E V I D E N C E

Ms. Jamie Reyes, Director of the Motor Transportation Department, testified before the Commission. Ms. Reyes stated that Goodwill paid its annual fee and filed its annual paperwork with the Commission on March 27, 2017, and are now in compliance with Commission rules and regulations. Ms. Reyes recommended that the Commission dismiss the complaint against Goodwill.

In regards to Canning Truck Services, Ms. Reyes testified that the Department had reached out to the company, and had been informed by a representative that they were no longer operating in Nebraska. Ms. Reyes stated that although Canning Truck Services had signed for receipt of the complaint against them, they had failed to voluntarily cancel their certification or to respond to the complaint in any form. Due to these factors, Ms. Reyes recommended that the Commission revoke the certificate for Canning Truck Services for failure to comply with NEB. REV. STAT. § 75-305 and Commission Rules and Regulations.

Following Ms. Reyes testimony, several Commissioners presented her with questions. Commissioner Landis asked Ms. Reyes whether any late fees were assessed against a party that is late in paying its fees. Ms. Reyes responded that this is not currently department policy, but that it is a possibility for the future. Ms. Reyes then explained to Commissioner Ridder that a possible future late fee system could be modeled on one used by other Commission departments. Commissioner Schram then asked Ms. Reyes whether all of the carriers which had had their complaints dismissed were in good standing with their insurance providers. Ms. Reyes testified that they were all in good standing. Commissioner Schram further asked whether there was any fine associated with filing a company's insurance status with the Commission. Ms. Reyes testified that there was not, but that it was something the department could look into.

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. (Cum. Supp. 2016), and Title 291, NAC Ch. 3 of Commission Rules and Regulations.

NEB. REV. STAT. § 75-305(1) requires all regulated motor carriers 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 7, 2017 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.

All Respondents but two were dismissed by Commission Order subsequent to the initiation of the Complaint. Prior to the hearing, 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 carrier, Canning Truck Services, was notified of the requirements of § 75-305 by first class mail on November 1, 2016 and February 1, 2017. The Department also attempted to contact the carrier after January 1, and again prior to the entry of the March 7 Order to Show Cause, and was informed that the company was no longer in business. The carrier was sent a copy of the March 7, 2017 order and notice of the April 11, 2017 show cause hearing. No representatives from Canning Truck Services appeared at the hearing to show cause as to why the certificate of public convenience and necessity should not be revoked. Commission staff received no contact from Canning Truck Services regarding the annual fees or Complaint, and the carrier did not voluntarily cancel their certificate of authority. Therefore, the Certificate of Public Convenience and Necessity issued for the following carrier should be revoked:

Canning Truck Services, Inc.

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.

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

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IT IS FURTHER ORDERED that the complaint against Canning Truck Service, Inc. be, and is hereby, sustained and the Certificate of Public Convenience and Necessity be, and is hereby, revoked.

IT IS FURTHER ORDERED that the carrier 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 16th day of May, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Mary Ridd

Capital Knodes

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

Tim Schram
Chairman

ATTEST:

Jeff I. Pelt

Executive Director