

OCT 28 1991

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

EXECUTIVE DIRECTOR
NEBRASKA PUBLIC SERVICE
COMMISSION

In re) APPLICATION PI - 1
)
Wayne F. Rowe, Director,) Petition for Commission Investi-
Nebraska Public Service) gation of the intrastate carrier
Commission Transportation) service operated by Seraaj
Department) Family Homes, Inc. of Omaha,
Relator,) Nebraska to determine whether
) common carrier status subject
vs.) to the Nebraska Motor Carrier
) Act exists.
Seraaj Family Homes, Inc.)
Respondent.)

COMES NOW THE RELATOR, Wayne F. Rowe, on behalf of the Commission's Transportation Department and, pursuant to *Neb. Rev. Stat.* 75-111 (Reissue 1990) and *Title 291, Ch. 1, Rule 012* et seq., petitions that the Commission order a hearing to determine whether the operations of Seraaj Family Homes are intrastate common carriage subject to the provisions of the Nebraska Motor Carrier Act.

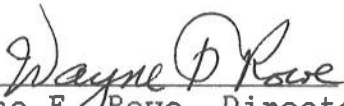
In support of the petition, Relator alleges:

1. Respondent has implemented a van service in or about the Omaha metropolitan area to transport clients of the Nebraska Department of Social Services for hire. Respondent also has contracted for hire with the Eastern Nebraska Office on Aging (ENOA) to transport clients participating in ENOA's Senior Companion Program. Upon information and belief, this service is currently in operation.
2. Respondent currently possesses no operating authority issued from the Commission. Respondent has applied in Application No. B-1312 for a permit seeking authority as a contract carrier in the transportation of passengers and their baggage by van type vehicles between points in Douglas and Sarpy counties, and between points in said counties on the one hand and, on the other hand, points in Nebraska over irregular routes.
3. Hearing on the application described above is currently scheduled to be heard in Omaha on December 2, 1991.
4. Respondent's operations may fall within certain of the exemptions specified in the Nebraska Motor Carrier Act at *Neb. Rev. Stat.* 75-303 (Reissue 1990). A hearing is necessary in order to determine whether such operations as Respondent is conducting do fall within any such exemption(s). Absent such a hearing, Relator cannot determine whether to initiate criminal and/or civil action against the Respondent.

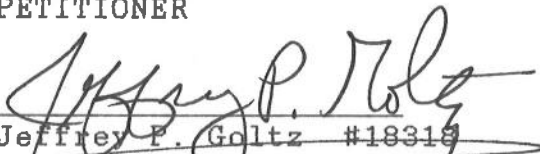
In light of the hearing on the Respondent's application set for December 2, 1991, Petitioner requests that the

hearing on his petition be consolidated and held on the same date in conjunction with that hearing. Petitioner observes that such hearing will be more than thirty days from the date of this petition and Respondent will therefore not be prejudiced.

Should the Commission, after hearing on this petition, find that the Respondent is conducting intrastate common carriage in violation of the Motor Carrier Act, Relator requests as an immediate remedy that the Commission issue an order to the Respondent that it and its officers cease and desist from operating in violation of the Act; such remedy being available as provided by *Title 291, Ch. 1, Rule 012.03.*


Wayne F. Rowe, Director,
Transportation Department,
Nebraska Public Service Commission

PETITIONER


Jeffrey P. Goltz #18318
Legal Counsel
Nebraska Public Service Commission
Petitioner's Attorney