

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. T-3
on its own motion, seeking to)
revoke the Permit of Authority) CERTIFICATE REVOKED
issued to Liberty Mobility Now,)
Inc., Lincoln, in Application)
No. T-3.) Entered: May 30, 2018

BY THE COMMISSION:

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

The Nebraska Public Service Commission ("Commission"), on its own motion, is seeking revocation of the Permit of Authority granted to Liberty Mobility Now, Inc. ("Liberty Mobility"), Lincoln, in Application No. T-3.

The Commission granted Liberty Mobility the authority to operate and provide transportation services as a transportation network company ("TNC") in the State of Nebraska. The Permit was issued April 6, 2017.

Neb. Rev. Stat. § 75-305(2) requires all TNCs to pay an annual fee of either twenty-five thousand dollars (\$25,000) or not to exceed eighty dollars (\$80) for each personal vehicle operated by a driver of the TNC. Annual fees are due and payable to the Commission on or before January 1 and are delinquent March 1.¹

Liberty Mobility failed to pay its annual renewal fee as required by § 75-305(2) and was therefore named a Respondent in a Department Complaint opened March 6, 2018.² Valerie Lefler, the former owner, notified the Transportation Department in February 2018 that the Company had entered receivership in Ohio. The Department advised Ms. Lefler that either the annual fee be paid by the March 1, 2018, deadline or that the Commission be notified in writing of the company's intention to cancel its Permit of Authority. No additional communication was received and the annual fee was not paid. The Transportation Department was able to verify the company had entered bankruptcy in the Nebraska Bankruptcy

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

2 See Docket No. MCC-3196 *Jamie L. Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant v. Alpha Life Improvement Services; Big O's Party Bus; Black Tie Limousine, Inc.; Emerald Limousine, Inc.; Good Times Roll GI; Heartland Party Bus; Jason's Limousine Service; Limousine Services, LLC; Midwest Party Bus; Nebraska Taxi, LLC; Chet's Transfer, Inc.; Ford Storage & Moving Co.; Freight Train Express, LLC; Mid-America Relocation, Inc.; Middle West Movers; Monroe Moving; Murphy Moving, Inc.; Red Carpet Moving, LLC; Shasteen Transfer and Storage; Transfer 88; and Liberty Mobility Now, Inc., Respondents* (opened March 6, 2018).

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Court. Department staff contacted Phil Kelly, the bankruptcy trustee assigned to Liberty Mobility's case, who sent copies of the bankruptcy filings to the Commission. Mr. Kelly indicated that no one from the company would likely be available to take any action.

Hearing was held on Docket No. MCC-3196 on May 1, 2018. Neither Ms. Lefler, Mr. Kelly, nor any representative of Liberty Mobility appeared at the hearing. Based on the Department's Communications with Ms. Lefler and Mr. Kelly, the Commission dismissed Liberty Mobility from Docket No. MCC-3196.³ The Commission further indicated revocation of Liberty Mobility's Permit of Authority would be addressed in a separate order.

Information presented at the May 1, 2018 hearing illustrated that Liberty Mobility was no longer providing services as a transportation network company within the state of Nebraska, and ceased operations prior to being named a Respondent in the Department Complaint. However, no Liberty Mobility representatives took the appropriate steps to voluntarily cancel the Permit of Authority or to comply with the requirements of § 75-305(2) despite awareness of the proceedings. Therefore, the Permit of Authority should be revoked.

Based on the above, the Commission is of the opinion and finds that the authority granted to Liberty Mobility Now, Inc., Lincoln, Nebraska, in Application No. T-3 should be revoked.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Permit of Authority issued to Liberty Mobility Now, Inc., Lincoln, in Application No. T-3 be, and is hereby, revoked.

³ *Id.* (Order Dismissing in Part and Sustaining in Part, Entered May 30, 2018.)

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 30th day of May, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal Knudsen

Frank E. Landis

Tina Schram

//s//Frank E. Landis

//s//Mary Ridder

Mary Ridder

Chair

Attest:

Michael H. H.

Executive Director