

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. TNC-1
Public Service Commission, on)
its Own Motion, to Establish) ORDER OPENING DOCKET AND
Interim Policies for the) APPROVING TEMPORARY FORMS
Implementation of LB 629 [2015]) AND PROCEDURES
pending Final Rulemaking.)
) Entered: JUNE 16, 2015

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) hereby opens the above-captioned docket, on its own motion, to establish interim policies for the implementation of LB 629 [2015] pending final rulemaking.

On May 27, 2015, LB 629 was signed into law with an emergency clause attached, making the law effective the next day. LB 629 grants the Commission regulatory authority over transportation network companies (TNCs). The Commission will be opening a docket to begin the formal rule and regulation process in order to incorporate those portions of LB 629 regarding TNCs into the existing Motor Carrier rules and regulations. The Commission will benefit greatly from input from all affected parties, and anticipates holding workshops and hearings throughout the rulemaking process.

While the formal rule and regulation process moves forward, the Commission believes that the Legislature intended that there be little delay in allowing TNCs to begin operating in Nebraska. Therefore, it is necessary to provide for a process for TNCs to immediately comply with the requirements of LB 629 pending the adoption of final rules and regulations.

Application Form and Fees

First, LB 629 provides that:

"No person shall operate a transportation network company in Nebraska without first obtaining a permit from the commission. The application for a permit shall be in writing, under oath, submitted to the commission, and accompanied by the fee required under section 75-305."¹

¹ Neb. Rev. Stat. § 75-109.1(3) [2015].

The Commission must determine the manner in which a TNC may apply for a permit to operate as a TNC in Nebraska. The formal rule and regulation process will take some time, and will delay a TNC's ability to seek the proper authorization as required under LB 629. The Commission believes that adopting an application form and procedure prior to the adoption of final rules and regulations will enable TNCs to seek authorization to operate and provide transportation services in Nebraska. Commission staff has created a temporary application form and corresponding application process to be used by a TNC seeking to provide transportation services in Nebraska pending adoption of final rules, regulations, and forms. Such forms are attached hereto as Appendix A.

Lienholder Notification

Additionally, LB 629 provides that:

"The Commission shall adopt and promulgate rules and regulations to establish a procedure to confirm that drivers have notified lienholders as required..."²

Drivers for a TNC use their personal vehicles in order to provide transportation services, which may or may not include vehicles which have a lien. If a driver intends to use a vehicle with a lien on it to provide services, the driver must notify his or her lienholder at least seven (7) days prior to beginning the provision of transportation services with the TNC.³ It is in the public interest to provide TNC drivers a way to comply with Nebraska law while awaiting the adoption of formal rules and regulations. Commission staff has developed a temporary Lienholder Notification Form as well as an interim procedure in accordance with LB 629, attached hereto as Appendix B, pending adoption of final rules, regulations, and forms.

Based on the reasons stated above, the Commission finds that the temporary procedures and corresponding forms regarding applications for permit to operate as a TNC in Nebraska and lienholder notifications, attached as Appendices A and B, should be approved. Such temporary forms and procedures will enable transportation network companies to apply to operate in Nebraska as soon as is practical while final rules, regulations, and procedures are promulgated.

² Neb. Rev. Stat. § 75-109.1(11)(3).

³ Neb. Rev. Stat. § 75.109.1(11)(1)(c).

O R D E R

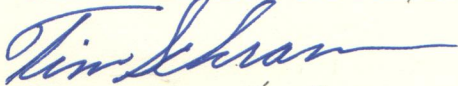
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket be, and it is hereby, opened to establish interim policies for the implementation of LB-629 [2015] pending final rulemaking.

IT IS FURTHER ORDERED that the interim policies and forms proposed by Commission staff, attached hereto as Appendix A and Appendix B, are hereby approved.

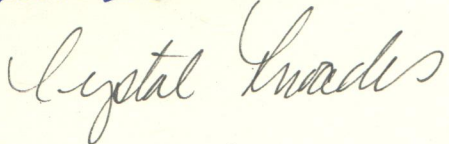
MADE AND ENTERED at Lincoln, Nebraska, this 16th day of June, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chairman 



ATTEST:





Deputy Director

//s//Frank E. Landis

//s//Gerald L. Vap

APPLICATION TO OPERATE AS A TRANSPORTATION NETWORK COMPANY
Filing Procedure

1. All applications must be submitted to the Nebraska Public Service Commission using approved forms with required supporting documentation as listed on the application form. The application package must be approved by the Commission prior to a transportation network company providing transportation services in Nebraska.
2. A transportation network company should download an application form from the Nebraska Public Service Commission website: <http://psc.nebraska.gov> for use.
3. Application form must be completed by a person authorized to complete such forms on behalf of the transportation network company.
4. A non-refundable annual fee of \$25,000 or \$80 per vehicle operated by a driver of the transportation network company is required with the application. If the initial application for permit of a TNC is filed on or after July 1, the fee shall be half of the annual fee. Fees are payable by business or certified cashier's check to the Nebraska Public Service Commission.
5. The application package, including supporting documents and required fee, may file by mail or by personal delivery to: Nebraska Public Service Commission, 1200 N Street, Ste. 300, Lincoln, NE 68508 or P.O. Box 94927, Lincoln, NE 68509-4927.

**NEBRASKA PUBLIC SERVICE COMMISSION
P.O. BOX 94927
LINCOLN, NE 68509-4927
402-471-3101**

**APPLICATION TO OPERATE AS A TRANSPORTATION NETWORK COMPANY
("TNC")**

COMPANY SEEKING AUTHORITY:	
Company Name:	
D/B/A:	
Contact Name:	
Business Address:	
Mailing Address:	
Telephone Number:	
Email Address:	
Customer Service Telephone Number:	

REGISTERED NEBRASKA AGENT:	
Name:	
Address:	
Telephone Number:	

Applicant will provide transportation services over the following proposed territory:

Is this Company duly certified to operate as a transportation network company in another jurisdiction?

() Yes: Please indicate where the certification was executed and the effective date of such certification:

 (If necessary, attach a separate document to list additional jurisdictions)

() No: Applicant must demonstrate that:

Applicant has sufficient financial resources to provide TNC services

Applicant has sufficient technical competency to provide TNC services

Applicant has sufficient managerial resources to provide TNC services

ADDITIONAL INFORMATION REQUIRED (please check box to indicate enclosed):	
<input type="checkbox"/>	Annual fee of either \$25,000 or \$80 per vehicle operated by a driver of the Applicant TNC
<input type="checkbox"/>	A copy of the current company Rates used to determine customer pricing or suggested pricing of fares, including any dynamic pricing.
<input type="checkbox"/>	A copy of the current company Drug and Alcohol Policy.
<input type="checkbox"/>	A copy of the current company Anti-Discrimination Policy.
<input type="checkbox"/>	A copy of the Articles of Incorporation, Organization, or Certification to Transact Business from the Nebraska Secretary of State
<input type="checkbox"/>	A copy of the current insurance certificate. Upon cancellation or non-renewal, a written notice must be sent to the Nebraska Public Service Commission by your insurance carrier.

By signing this form, the Applicant TNC agrees to adhere to and comply with the statutes of Nebraska and to all rules and regulations of the Nebraska Public Service Commission. The Applicant TNC also agrees, should any information submitted with this application change, to update any information provided to the Commission by the Applicant TNC or its insurance carrier.

The Applicant TNC understands that the filing of this application does not constitute authority to operate.

I attest that I have read and know the contents of this application and that the contents are true and correct to the best of my knowledge and belief.

Dated at _____, _____, this ____ day of _____, _____

By _____
Signature

Printed Name

Title

LIENHOLDER NOTIFICATION FORM
Filing Procedure

1. All potential drivers for a transportation network company seeking to use a personal vehicle with a lien must submit a lienholder notification form as approved by the Nebraska Public Service Commission.
2. Drivers should download a lienholder notification form from the Nebraska Public Service Commission website: <http://psc.nebraska.gov> for use.
3. Lienholder notification forms must be completed by the intended driver, notarized by a Notary Public, and submitted to the driver's lienholder, such as a financial institution or individual, via certified mail return receipt requested. The driver must file the lienholder notification form with the lienholder no later than seven (7) days prior to providing transportation services in connection with a transportation network company.
4. The driver must file a copy of the completed lienholder notification form and the original certified mail return receipt by mail or by personal delivery to: Nebraska Public Service Commission, 1200 N Street, Ste. 300, Lincoln, NE 68508 or P.O. Box 94927, Lincoln, NE 68509-4927.

**NEBRASKA PUBLIC SERVICE COMMISSION
P.O. BOX 94927
LINCOLN, NE 68509-4927
402-471-3101**

LIEN NOTIFICATION FORM

PROPOSED DRIVER INFORMATION	
Full Name:	
Address:	
City:	
State:	
Zip:	
Date of Birth:	
Last 4 Digits of SSN:	

VEHICLE INFORMATION	
Make:	
Model:	
Year:	
VIN:	
Full Name of Owner on Title/Lease:	

The Lien Holder listed below is hereby notified of the intention of the proposed driver to use the vehicle listed above to provide transportation services in Nebraska in connection with a transportation network company:

LIEN HOLDER INFORMATION	
Name of Financial Institution or Individual with Lien on Vehicle:	
Loan Number:	
Address:	
City:	
State:	
Zip Code:	

I attest that the information contained herein is true and correct to the best of my knowledge and belief.

Signature: _____

Date: _____

Instructions:

This form must be signed and delivered via certified mail to the Lien Holder listed above, return receipt requested. A copy of this signed form and the receipt notice should be filed with the Nebraska Public Service Commission.

