

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. TNC-2
on its own motion, seeking to)
determine the annual fee for)
Transportation Network) ORDER SETTING FEE
Companies.)
) Entered: December 12, 2017

BY THE COMMISSION:

On October 14, 2015, the Nebraska Public Service Commission (Commission) entered an order opening the above-captioned docket to determine the annual fee to be paid by Transportation Network Companies (TNCs) pursuant to NEB. REV. STAT. § 75-305(2) (Supp. 2015).

On September 19, 2017, the Commission entered an order setting this matter for hearing. On October 31, 2017, the Commission entered an order continuing the hearing. Notice of the hearing was sent to all interested parties and published in The Daily Record, Omaha, on November 2, 2017. A hearing was held on December 5, 2017 in the Commission Hearing Room. Ms. Jamie Reyes and Ms. Ellie Rohr appeared on behalf of Commission staff. No other appearances were entered.

E V I D E N C E

Jamie Reyes, Director of the Motor Vehicle Department, testified on behalf of Commission Staff. Ms. Reyes gave a brief overview of the current status of the TNC Regulation Cash Fund, including expenditures over the last year. Ms. Reyes recommended that the per-vehicle fee remain at \$80.

Ms. Reyes stated that the current balance of the fund is \$56,692.06. The actual expenditures for the 2016-2017 fiscal year were \$33,854.57. The department anticipates the payments by TNC's to be approximately the same this year. According to Ms. Reyes, the Department is continuing to gather data to ensure good faith allocations of administrative costs and to keep an accurate accounting of enforcement expenses. Ms. Reyes also informed the Commission of enforcement activities.

Ms. Reyes explained the Department is working to implement a process by which audits of the TNCs will occur more regularly. The department has statutory authority to conduct audits once per quarter. Thus far, annual audits have been conducted, but the department plans to increase those to quarterly audits. Upon

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. TNC-2

Page 2

questioning from Commissioner Schram, Ms. Reyes indicated the current process for audits is to be completed in house utilizing new staff who have experience in best practices for audits. However, she also noted that if the sample size were to grow substantially, the department would look into options for expanding outside at that time. Commissioner Landis further recommended meeting with the Auditor's Office to address additional options as well.

Commissioner Ridder inquired as to whether the increased number of audits would give rise to additional costs that may exceed resources. Ms. Reyes noted that currently the fund is likely sufficient to cover any additional costs. If the costs are substantial, that may be addressed at a later date when the Department would have more information regarding that increase.

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

Pursuant to Neb. Rev. Stat. § 75-305 requires TNCs to pay an annual fee of either twenty-five thousand dollars (\$25,000) or a per-vehicle fee not to exceed eighty dollars (\$80). The Commission must determine the per-vehicle fee to be paid by TNCs each year. Such fee is payable by January 1 and delinquent if not paid by March 1. Fees are directed to the TNC Regulatory Fund, which can be used only for the regulation and enforcement of any statutes that specifically pertain to TNCs.

Based upon testimony provided by staff, the Commission finds that the annual per-vehicle fees for Transportation Network Companies should remain at eighty dollars (\$80) for each personal vehicle operated by a driver of the TNC. The Commission will monitor the fund balance and necessary expenditures and will reevaluate the fee amount annually.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the annual fees for Transportation Network Companies should remain payable at either twenty-five thousand dollars (\$25,000) or eighty dollars (\$80) per personal vehicle operated by a driver of the TNC due and payable on or before January 1, 2018. Such fees shall be delinquent on March 1, 2018.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. TNC-2

Page 3

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 12th
day of December, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Mary Riddin
Crystal Smades
Jeff Jones

Tim Schram
Chairman

ATTEST:

Michael R. Gell
Executive Director

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