

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) ORDER SETTING FEE
Transportation Network)
Companies.) Entered: October 10, 2018

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 August 14, 2018, the Commission entered an order setting this matter for hearing. Notice of the hearing was sent to all interested parties and published in The Daily Record, Omaha, on August 20, 2018. A hearing was held on September 25, 2018, 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 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 \$67,486.20. The actual expenditures for the 2017-2018 fiscal year were \$41,394. The department anticipates the annual fee payments for the two permitted TNCs 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 testified the fund is used to pay such administrative costs as maintenance of the cash fund, conducting audits, evaluating data, and preparation of the TNC annual report. TNC Fund allocations pay portions of the salaries of Department employees and some Commission administrative staff who assist in reviewing data and fund maintenance.

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Commissioner Johnson inquired how many TNC vehicles are on the road and how they are inspected. Ms. Reyes testified the companies conduct their own inspections of the vehicles. These inspections are part of the documentation in a driver file, which may be reviewed in an audit. Ms. Reyes further testified that both TNCs pay the flat fee of \$25,000. Based on the per vehicle fee of \$80, that would mean there are likely at least 600 vehicles on the road between both TNCs but that estimate may be low. Commissioner Johnson questioned where in the state the TNC vehicles are currently operating. Ms. Reyes indicated the TNCs are primarily in Lincoln and Omaha with a few drivers in areas like Kearney and Grand Island.

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, TNCs are required 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, 2019. Such fees shall be delinquent on March 1, 2019.

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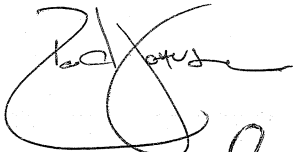
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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 10th
day of October, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




Chair

ATTEST:


Executive Director

//s//Frank E. Landis
//s//Mary Ridder