

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	APPLICATION NO. TR-136
Prescription of Reasonable	)	
Rates and Charges for Motor	)	GRANTED ON AN
Carriers Passengers and	)	EMERGENCY BASIS
Property for Hire Subject to	)	
The provision of Neb. Rev. Stat.	)	
(Reissue 2003), Chapter 75,	)	ENTERED: MAY 18, 2004
Articles 1 and 3.	)	

BY THE COMMISSION:

### OPINION AND FINDINGS

On May 14, 2004, Comstock Corporation d/b/a Action Cab, Grand Island, Nebraska, filed an application for authority to add the fuel surcharge it has for its Hastings operations to its Grand island operations.

Emergency action is requested.

Applicant is a certificated common carrier which holds Certificate B-1517. The certificate authorizes the transportation of passengers by taxicab between points in Hall County, and between points within Hall County, on the one hand, and, on the other hand, points within a 150-mile radius of Hall County over irregular routes.

On March 21, 2000, the Nebraska Public Service Commission granted a fuel surcharge to Hastings Taxi and Transportation Services, L.L.C., Hastings, Nebraska, that set the following fuel surcharge schedule:

<u>Price per Gallon</u>	<u>Surcharge</u>
Under \$1.30	Zero
\$1.30-1.39	\$0.15
\$1.40-1.49	\$0.20
\$1.50-1.59	\$0.25
\$1.60-1.69	\$0.30
\$1.70-1.79	\$0.35

Note: Fuel surcharge in excess of \$1.79 will follow the same format which is for each ten cent (\$0.10) increase/decrease in the fuel price the surcharge will increase/decrease by five cents (\$0.05).

On April 3, 2002, the Nebraska Public Service Commission granted the transfer of the authority of Hastings Taxi and Transport Services, L.L.C., to Comstock Corporation d/b/a Action Taxi. The fuel surcharge only applied to this transfer, held by the Applicant in Certificate No. B-1517, Supplements 1 and 2. Certificate No. B-1517 does not currently have a surcharge, and it is to this tariff that the Applicant requests that the fuel surcharge schedule be granted.

In support of the application, John Bartu of Action Cab states that fuel charges have increased dramatically. Prices in his area have increased 18 cents per gallon in the last twelve days. He states that

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Action Cab "can no longer afford to operate at our current level of coverage without a surcharge to offset these expenses."

The cost of gasoline has continued to increase, reaching nearly \$2.00 per gallon. The increase in cost to the applicant is significant, and needs to be addressed quickly to protect the applicant's ability to continue to provide its services to the public.

Upon consideration of the application and being fully advised in the premises, the Commission is of the opinion and finds that the application should be granted on an emergency basis effective May 18, 2004.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that effective May 18, 2004, Comstock Corporation d/b/a Action Cab, Grand Island, Nebraska, be, and it is hereby, authorized to add a fuel surcharge schedule for its use in Grand Island in Certificate No. B-1517 as follows:

<u>Price per Gallon</u>	<u>Surcharge</u>
Under \$1.30	Zero
\$1.30-1.39	\$0.15
\$1.40-1.49	\$0.20
\$1.50-1.59	\$0.25
\$1.60-1.69	\$0.30
\$1.70-1.79	\$0.35

Note: Fuel surcharge in excess of \$1.79 will follow the same format which is for each ten cent (\$0.10) increase/decrease in the fuel price the surcharge will increase/decrease by five cents (\$0.05).

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that notice of this amendment to their per trip fuel surcharge be conspicuously displayed within each taxicab.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the total amount of the fuel surcharge, including the amendment, be paid to the individual or individuals paying for the fuel.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the fuel surcharge and its amendment continue to be reviewed weekly and adjusted accordingly.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that public notice of this action be published in the Daily Record, Omaha, Nebraska, pursuant to the provisions of Section 75-121. R.R.S. 2003, and the Commissions Rules.

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MADE AND ENTERED at Lincoln, Nebraska this 18<sup>TH</sup> day of May,  
2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald L. Vap*

ATTEST:

*R. L. JOHNSON*

//s//Gerald L. Vap

Chairman

*Gerald L. Vap*

*And S. Pollok*

Executive Director

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