

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission) APPLICATION NO. TR-187
On its own motion, seeking to)
address an emergent issue)
regarding the closing of Abbott) GRANTED ON AN
Drive in Omaha due to flooding.) EMERGENCY BASIS
)
) ENTERED: JUNE 21, 2011

OPINION AND FINDINGS

COMES NOW the Commission, on its own motion, seeking to address an emergent issue regarding the potential closing of Abbott Drive in Omaha, Nebraska, due to flooding. It is predicted that the flooding that has occurred along the Missouri River may affect Abbott Drive for a period of time in the very near future. Abbott Drive would be closed for an undetermined length of time under this scenario.

The closing of Abbott Drive would impact numerous operations in the city of Omaha. One such area of operations effected would be the transportation of passengers to and from Eppley Airfield and local hotels. The Commission developed and ordered the use of flat rates to and from the Airfield and the hotels in order to make certain and uniform the cost of transportation for passengers between the hotels and the airport. The closing of Abbott Drive would materially impact the routes that would normally be used for this transportation.

Commission staff has made an investigation of alternate routes for use by the cab companies in Omaha to transport passengers out of Eppley Airfield. Since the investigation, alternate routes investigated have been subject to flooding due to a backup and overflow of water from the sewer system. There does not appear to be a method to determine which alternate route may be available at any time. The flooding does not appear to be determinable as the flooding can occur not only from the Missouri River but also from drainage and sewer systems in Omaha.

The Commission believes that the most effective way to deal with this situation is to enter an order that would

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temporarily suspend the hotel flat rates in Omaha in the event of Abbot Drive closing due to flooding. This temporary suspension of the flat rates is reasonable and will provide the drivers with compensation for the detours that they would be forced to use in that event.

The taxi companies in Omaha will charge the meter rate over the most direct route available. Transportation of passengers that does not follow the most direct route available will be dealt with by the Commission and also, where appropriate, criminal prosecution.

The Commission further finds that the suspension of the Omaha hotel flat rates should only occur if Abbott Drive does in fact flood to the point of being non-passable and only during any time period when the road is closed, with such status being determined by the appropriate local authority. If the flooding does not occur as predicted then the flat rates would remain at their current levels. If the rates are suspended to flooding, the rates would immediately return to pre-flood levels upon the reopening of Abbott Drive to traffic by the appropriate local authority.

The Commission enters this order on an emergency basis as it is not known when or if the flooding may occur, and the drivers would be placed in a disadvantaged situation immediately upon the closing of Abbott Drive by the appropriate local authority.

ORDER

IT IS, THEREFORE, ORDERED by the Commission that the Omaha area hotel flat rates will be suspended in the event that Abbott Drive is flooded and not passable for passenger transportation. This Order shall take effect immediately upon any closing, by the appropriate local authority, of Abbott Drive due to flooding.

IT IS FURTHER ORDERED by the Commission that any suspension of the hotel flat rates instituted by this Order shall remain in effect only so long as Abbott Drive remains impassable, and that Omaha area hotel flat rates shall return to pre-flood charges immediately upon the reopening,

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by the appropriate local authority, of Abbott Drive to passenger transportation.

IT IS FURTHER ORDERED that notice of this action shall be published in The Daily Record pursuant to Commission rules.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of June, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Deed Johnson
Kane Boyer

Gerald L. Vap

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

ATTEST:

Tim Schram

Chairman

NO 8, 10

Executive Director