

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. B-2073
of @ Your Service, LLC, Des)
Moines, Iowa, seeking authority as)
a contract carrier between all) ORDER GRANTING APPLICATION
points in Nebraska over irregular)
routes pursuant to a contract with)
the University of Nebraska Medical)
Center. HHS Designation: No.) Entered: May 9, 2023

BY THE COMMISSION:

On February 16, 2023, @ Your Service, L.L.C., ("Applicant") Des Moines, Iowa, filed an application seeking authority as a contract carrier between all points in Nebraska over irregular routes pursuant to a contract with the University of Nebraska Medical Center. HHS Designation: No. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on February 28, 2023. No protests were filed; therefore, the application was processed pursuant to the Commission's Rule of Modified Procedure.¹

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

Applicant is an Iowa Limited Liability Company with its principal place of business in Des Moines, Iowa. Applicant will provide transportation of passengers as a contract carrier by van between all points Nebraska over irregular routes pursuant to a contract with the University of Nebraska Medical Center. HHS Designation is No.

The statutory standard governing the approval of applications for contract carrier authority are governed by Neb. Rev. Stat. § 75-311(2), which provides:

"(2) A permit shall be issued to any qualified applicant therefor authorizing in whole or in part the operations covered by the application if it appears after notice and hearing from the application or from any hearing held on the application that (a) the applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of such sections and the lawful requirements, rules, and regulations of the commission under such

¹ 291 N.A.C Chp. 1 § 002.01B.

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sections and (b) the proposed operation, to the extent authorized by the permit, will be consistent with the public interest by providing services designed to meet the distinct needs of each individual customer or a specifically designated class of customers as defined in subdivision (7) of section 75-302. Otherwise the application shall be denied."

The Nebraska Supreme Court has explained the analysis required for determining whether a proposed contract carrier operation will be consistent with the public interest:

"In considering an application for a permit to operate as a contract carrier, the burden is upon the applicant to show that the proposed service is specialized and fits the need of the proposed contracting shippers, that the applicant is fit, willing, and able to perform the service, and that the proposed operation will be consistent with the public interest."²

After due consideration of the evidence and being fully advised in the premises, the Commission is of the opinion and finds:

1. Applicant is fit, willing, and able properly to perform the proposed service, and to conform to the provisions of Neb. Rev. Stat. §§ 75-301 to 75-322 and the requirements, rules and regulations of the Commission thereunder.
2. The service that the Applicant wishes to provide will be consistent with the public interest.
3. Upon compliance with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates), and with the rules and regulations of the Commission, a Permit of Authority should be issued as follows:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

² *Wells Fargo Armored Service Corp. v. Bankers Dispatch Corp.*, 188 Neb. 584, 198 N.W.2nd 195 (1972) (Internal citations omitted).

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Contract: Transportation of passengers as a contract carrier between all points in Nebraska over irregular routes pursuant to a contract with the University of Nebraska Medical Center. HHS Designation: No.

4. The application for authority should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-2073 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Permit of Authority shall be issued to @ Your Service, L.L.C., Des Moines, Iowa, in Application B-2073 authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that Applicant shall not be issued the Certificate of Authority authorized by the Commission unless and until Applicant has fully complied, within a reasonable time from the effective date of this Order, with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates), and with the rules and regulations of the Commission, and if upon expiration of such time Applicant has not complied with such terms and conditions, this Order shall, after reasonable notice to Applicant, be of no further force and effect.

IT IS FURTHER ORDERED that Applicant shall not conduct operations until a Permit of Authority is issued.

IT IS FINALLY ORDERED that the operations authorized herein shall be subject to the terms, conditions, and limitations which have been, or may hereafter be prescribed by the Commission.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 9th day of May 2023.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Tim Schram

Kevin Stocker

[Signature]

Chair

ATTEST:

Thomas W. Golden
Executive Director