

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. B-2089
of Nebraska Taxi Transportation,)	
LLC, Omaha, seeking authority as)	
a common carrier in Nebraska)	
intrastate commerce in the)	
transportation of passengers in)	ORDER GRANTING APPLICATION
taxicab service by sedan, van,)	
and SUV, originating at Eppley)	
Airport on the one hand, and, on)	
the other hand, points in)	
Nebraska over irregular routes.)	
HHS Designation: No.)	Entered: March 12, 2024

BY THE COMMISSION:

On November 1, 2023, Nebraska Taxi Transportation, LLC ("Applicant"), Omaha, filed an application as a common carrier in Nebraska intrastate commerce in the transportation of passengers in taxicab service by sedan, van, and SUV, originating at Eppley Airport on the one hand, and on the other hand, points in Nebraska over irregular routes. HHS Designation: No. Notice of the application was published in The Daily Record, Omaha, Nebraska on November 30, 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 a Nebraska Limited Liability Company with its principal business address in Omaha, Nebraska. Applicant seeks to provide taxicab service limited geographically to only trips that originate or terminate at Eppley Airport on the one hand, and, on the other hand, points across Nebraska over irregular routes.

The statutory standard governing the approval of applications for common carrier authority are governed by Neb. Rev. Stat. § 75-311(1), which provides:

A certificate shall be issued to any qualified applicant authorizing the whole or any part of the operations covered by the application if it is found after notice and hearing that (a) the Applicant is fit, willing, and able properly to perform the service proposed . . . and (b) the proposed service, to the extent to be authorized

¹ 291 Neb. Admin. Code Ch. 1 § 002.10B.

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by the certificate, whether regular or irregular, is or will be required by the present or future public convenience and necessity. Otherwise, the application should be denied.²

The Nebraska Supreme Court has explained the analysis required for determining public convenience and necessity:

In determining public convenience and necessity, the deciding factors are (1) whether the operation will serve a useful purpose responsive to a public demand or need, (2) whether this purpose can or will be served as well by existing carriers, and (3) whether it can be served by the Applicant in a specified manner without endangering or impairing the operations of existing carriers contrary to the public interest.³

Pursuant to the Commission's Rule of Modified Procedure, the Applicant has provided an Affidavit of Applicant and an Affidavit of Supporting Shipper. In the Affidavit of Applicant, Applicant indicates it will utilize a 2018 Chevy Equinox in its initial operations. Applicant affirmed its intention to devote adequate time to providing services to the public as well as taking the appropriate steps to alter its operations as necessitated by consumer demand. Applicant further provided an Affidavit of Supporting Shipper, filed by individual, noting the need for Applicant's proposed service. The Affidavit of Supporting Shipper noted that Applicant has a reputation as being "honest" and "hardworking" and that the proposed vehicles are "sufficient" and in a "clean" condition. The Affidavit further provided that the transportation services of other taxicab carriers in Nebraska are in adequate as they are generally not "speedy" or "reliable" and that other providers (i.e., TNCs or open class providers) are also "expensive." The Affidavit also indicated that Affiant has "trouble finding reliable, quick transportation, usually out of Omaha, Nebraska."

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.

² Neb. Rev. Stat. § 75-311(1).

³ *In re Application of Nebraskaland Leasing & Assocs.*, 254 Neb. 583, 591 (1998).

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Rev. Stat. §§ 75-301 to 75-322 and the requirements, rules and regulations of the Commission thereunder.

2. 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:

Common: transportation of passengers in taxicab service by sedan, van, and SUV, originating at Eppley Airport on the one hand, and, on the other hand, points in Nebraska over irregular routes. HHS Designation: No.

3. 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-2089 be, and it is hereby granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Public Convenience and Necessity shall be issued to Nebraska Taxi Transportation, LLC, Omaha, Nebraska, in Application B-2089, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that Applicant shall not be issued the Certificate of Public Convenience and Necessity 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 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 12th day of March, 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler









Chair

ATTEST:

Thomas W. Golden
Executive Director