

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska)	Docket No. MR-1023/PI-234
Public Service Commission, on)	
its own motion, seeking to)	
investigate the prescription)	ORDER ISSUING GUIDANCE ON
of reasonable rates and)	GROUND TRANSPORTATION FEE
charges for regulated motor)	
carriers providing ground)	
transportation for passengers)	
at Eppley Airfield.)	Entered: November 6, 2024

BY THE COMMISSION:

On September 1, 2020, the Nebraska Public Service Commission ("Commission"), on its own motion, opened the above-captioned docket to investigate the implementation of a proposed ground transportation fee assessed by the Omaha Airport Authority ("OAA") to certificated and permitted carriers that provide ground transportation for passengers to and from Eppley Airfield in Omaha, Nebraska.

Under a 2020 resolution adopted by the OAA, all carriers operating at Eppley must remit a for hire trip user fee in the amount of \$2.75 for each pick-up and drop-off completed. Following two Commission hearings on the matter in 2020, the Commission entered an order allowing passenger carriers providing ground transportation services at Omaha Eppley Airfield to charge a ground transportation fee of \$2.75 per pick-up and drop-off trip to customers to offset the OAA's ground transportation fee which became effective January 1, 2021.¹ Carriers were required to ensure that such charge were clearly identifiable on a receipt or contract for services.² Carriers wishing to assess the offset transportation fee were required to file written notice with the Commission of their intent to assess the fee and as long as the notice was received by the Commission prior to January 1, 2021 the Commission did not charge an application fee.³

¹ See *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to investigate the prescription of reasonable rates and charges for regulated motor carriers providing ground transportation for passengers at Eppley Airfield*, Docket No. MR-1023/PI-234, ORDER REGARDING IMPLEMENTATION OF GROUND TRANSPORTATION FEE (Dec. 15, 2020).

² *Id.*

³ *Id.*

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On August 20, 2024, the OAA adopted an amended resolution which changes the ground transportation fee from \$2.75 for each completed trip to \$3.25 for each completed trip effective January 1, 2025.

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

The OAA has jurisdiction pursuant to the Nebraska Cities Airport Authorities Act to undertake the actions described herein as it relates to services provided at Eppley Airfield.⁴ The issue before the Commission is what steps must be taken by carriers if they wish to charge customers to offset this fee.

The Commission has jurisdiction pursuant to Neb. Rev. Stat. § 75-118 to fix all necessary rates and charges regulating the transportation of passengers by any common carrier in Nebraska intrastate commerce.

Pursuant to statute, the Commission has authority to issue an emergency rate order to fix a new rate where none exists in certain specific circumstances "or in case of any other emergency to be judged by the Commission."⁵ The effect of granting an emergency rate order in this matter would be to expedite the Applicant's use of its requested rates. Such rates could be made effective prior to the standard publication/protest period and would be subject to a 15- day protest period after five days' notice to other carriers.

Upon consideration of the August 20, 2024 OAA resolution, the Commission finds that passenger carriers providing ground transportation services at Omaha Eppley Airfield may file a rate application to offset the \$3.25 ground transportation fee (effective January 1, 2025) without paying an application fee, so long as the application is filed before December 6, 2024 at 5:00 p.m. (central time) by mail or by email to psc.motorfilings@nebraska.gov. Any applicant filing a rate application to offset the \$3.25 ground transportation fee after December 6, 2024 at 5:00 p.m. (central time) must pay the related application fee.

Any carrier subject to the OAA ground transportation fee who does not file a rate application with the Commission would still

⁴ See Neb. Rev. Stat. § 3-501 to 514.

⁵ See Neb. Rev. Stat. § 75-121.

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be required to pay the increased fee beginning January 1, 2025, but would not be able to charge customers to offset the fee (beyond the rates previously approved by the Commission) until a rate application is filed and approved by the Commission offsetting the fee.

Rate applications filed to offset the increased ground transportation fee may be approved on an emergency basis. Following the implementation of the initial OAA ground transportation fee in 2020, the Commission granted approval of rates to offset the fee on an emergency basis.⁶

O R D E R

IT IS THEREFORE ORDERED that carriers wishing to charge customers to offset the amended Omaha Airport Authority ground transportation fee of \$3.25 for each completed trip, effective January 1, 2025, must file a rate application with the Commission.

IT IS FURTHER ORDERED that Applicants filing such a rate application before December 6, 2024 at 5:00 p.m. shall not be required to pay the Commission's rate application fee.

IT IS FURTHER ORDERED that Applicants filing such a rate application after December 6, 2024 at 5:00 p.m. will be required to pay the Commission's rate application fee.

⁶ See e.g., *In the Matter of the Application of City Taxi, Inc., Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3.*, Application No. TR-218/B-1801, ORDER GRANTING RATES ON AN EMERGENCY BASIS (Jan. 20, 2021); and *In the Matter of the Application of City Taxi, Inc., Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3.*, Application No. TR-219, B-1969, B-1970, B-1971, B-1972, B-1973, B-1974, ORDER GRANTING RATES ON AN EMERGENCY BASIS (Feb. 23, 2021).

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day of November 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler



Tim Schram

Kevin Stocker



Chair

ATTEST:

Thomas W. Golden
Executive Director