

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. B-2106
Application of Lincoln VIP)
Rides, LLC, Lincoln, seeking)
authority as a common carrier)
in Nebraska intrastate commerce)
in the transportation of) ORDER GRANTING APPLICATION AS
passengers in Limousine service) AMENDED
by luxury or stretch limousine)
in and between points in)
Lancaster, Cass, Sarpy, and)
Douglas counties over irregular)
routes. HHS Designation: No.) Entered: November 6, 2024

BY THE COMMISSION:

On March 12, 2024, Lincoln VIP Rides, LLC ("Applicant") Lincoln, Nebraska, filed an application seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Limousine service by luxury or stretch limousine in and between points in Lancaster, Cass, Sarpy, and Douglas counties over irregular routes. HHS Designation: No.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on June 13, 2024. On June 14, 2024, a timely protest was filed by VIP Limousine, LLC ("Protestant"). On August 19, 2024, the protest was granted.

On September 16, 2024, Commission Staff was notified that Applicant and Protestant in this matter had reached a settlement agreement. Per the agreement, signed by both parties, Applicant and Protestant agreed to the following proposed authority:

SERVICE AND TERRITORY AUTHORIZED: COMMON: Transportation of passengers in Limousine service by luxury and stretch limousine in and between points in Lancaster County over irregular routes. HHS Designation: No.

The amendment removed from the originally proposed authority service in Cass, Sarpy, and Douglas counties. On September 25, 2024, a hearing officer order was entered granting the above amendment. On October 2, 2024, a hearing officer order granted the Protestant's request to withdraw their protest.

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-2106

Page 2

Since the application has no pending protests, the application as amended 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 place of business in Lincoln, Nebraska. Applicant seeks to provide transportation as a common carrier of passengers in limousine service by luxury and stretch limousine.

The statutory standard governing the approval of applications for common carrier authority is as follows:

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 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

The Nebraska Supreme Court has also found that a lack of protests and no one intervening in a proceeding is a clear indication that existing motor carriers do not expect to suffer any material

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

² Neb. Rev. Stat. § 75-311(1).

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

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-2106

Page 3

detriment from the grant of authority sought.⁴ Since there are no pending protests to this application no showing has been made that the services proposed by Applicant can or will be served as well by existing carriers nor would existing carriers be endangered or impaired by granting the application.

In its application, Applicant states that they have been a driver for Uber and Lyft for over four years.

Pursuant to the Commission's Rule of Modified Procedure, the Applicant provided an Affidavit of Applicant and an Affidavit of Supporting Shipper. In the Affidavit of Applicant, Applicant indicates it will utilize a 2008 Chrysler Limousine in its operations. Applicant affirms its vehicle will be properly maintained and repaired to meet safety requirements. Applicant further affirms that they will conduct operations in accordance with state regulations.

Applicant further provided an Affidavit of Supporting Shipper stating that Applicant has a reputation as "very dependable, honest, and hardworking." The Affidavit further indicates that affiant would utilize Applicant's services over other carriers because Applicant is a good driver and affiant is more comfortable riding with someone she knows.

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 proposed service is or will be required by the present or future public convenience and necessity.
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 Certificate

⁴ *Application of Moore's Transfer, Inc. of Norfolk*, 198 Neb. 491 (1977).

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-2106

Page 4

of Public Convenience and Necessity should be issued as proposed:

CERTIFICATE AUTHORIZED
SERVICE AND TERRITORY AUTHORIZED:
COMMON: Transportation of passengers in Limousine service by luxury and stretch limousine in and between points in Lancaster County over irregular routes. HHS Designation: No.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-2106 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 Lincoln VIP Rides, LLC, Lincoln, 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 unless and until Applicant has fully complied, within a reasonable time from the effective date of this Order, with N.R.S. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates) and with Commission rules and regulations, 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 Certificate of Public Convenience and Necessity 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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SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. B-2106

Page 5

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Tim Schram

Kevin Stocker

[Signature]

Chair

ATTEST:

Thomas W. Golden
Executive Director