

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. B-2126
of LRMoore, LLC d/b/a Love Thy)	
Neighbor Senior Care, Omaha,)	
seeking authority as a common)	
carrier in Nebraska intrastate)	
commerce in the transportation)	ORDER GRANTING APPLICATION
of passengers in Open Class)	
service by sedan, van, and SUV)	
in and between Douglas, Sarpy,)	
and Washington counties over)	
irregular routes. HHS)	
Designation: Yes.)	Entered: October 16, 2024

BY THE COMMISSION:

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

On July 11, 2024, LRMoore, LLC d/b/a Love Thy Neighbor Senior Care ("Applicant"), Omaha, Nebraska, filed an application seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Open Class service by sedan, van, and SUV in and between Douglas, Sarpy, and Washington counties over irregular routes. HHS Designation: Yes.

Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 17, 2024. 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

The statutory standard governing the approval of applications for common carrier authority is governed by Neb. Rev. Stat. § 75-311(1) and the standard for Medicaid nonemergency medical transportation services is governed by Neb. Rev. Stat. § 75-311(3), which provide that:

- (1) 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

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

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perform the service proposed and to conform to the provisions of sections 75-301 to 75-322 and the requirements, rules, and regulations of the commission under such sections 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 shall be denied.

[. . .]

(3) A designation of authority shall be issued to any regulated motor carrier holding a certificate under subsection (1) of this section or a permit under subsection (2) of this section authorizing such carrier to provide medicaid nonemergency medical transportation services pursuant to a contract with (i) the Department of Health and Human Services, (ii) a medicaid-managed care organization under contract with the department, or (iii) another agent working on the department's behalf as provided under section 75-303.01, if it is found after notice and hearing from the application or from any hearing held on the application that the authorization is or will be required by the present or future convenience and necessity to serve the distinct needs of medicaid clients. In determining whether the authorization is or will be required by the present or future convenience and necessity to serve the distinct needs of medicaid clients, the commission shall consult with the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care of the department or his or her designee.

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.²

² *In re Application of Nebraskaland Leasing & Assocs.*, 254 Neb. 583, 591 (1998).

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The Nebraska Supreme Court has also found that a lack protests and no one intervening in a proceeding is a clear indication that existing motor carriers do not expect to suffer any material detriment from the grant of authority sought. No protests were filed to this application, thus 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.

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 2013 Chevrolet Equinox SUV in its operations. Applicant affirms its vehicle will be properly maintained and repaired to ensure it meets safety requirements.

Applicant further provided an Affidavit of Supporting Shipper stating that the Applicant has an excellent reputation. The Affidavit further indicates that transportation services of other carriers is inadequate in their timeliness. The affidavit further stated that Applicant is dependable and offers personal care for the elderly.

The Commission also received a letter dated October 4, 2024, from the Nebraska Department of Health and Human Services' Medicaid and Long-Term Care Division that Applicant's services are or will be required by the present or future convenience and necessity to serve the distinct needs of Medicaid clients within their requested territories.

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 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

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rules and regulations of the Commission, a Certificate of Authority should be issued as follows:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Common: Transportation of passengers in Open Class service by sedan, van, and SUV in and between Douglas, Sarpy, and Washington counties over irregular routes. HHS Designation: Yes.

HHS Designation: Yes.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. B-2126 be, and it is hereby, granted; and that upon compliance with the terms and conditions set forth in this Order, a Certificate of Authority shall be issued to LRMoore, LLC d/b/a Love Thy Neighbor Senior Care, Omaha, in Application B-2126, authorizing the operations set forth in the foregoing findings.

IT IS FURTHER ORDERED that Applicant shall not be issued the Certificate 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 Certificate 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 16th day of October 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Eric M. Hamler

[Signature]

Tim Schram

Kevin Stocker

[Signature]

Chair

ATTEST:

Thomas W. Golden
Executive Director