

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public)	Rule and Regulation No. 203
Service Commission, on its own motion,)	
seeking to amend Title 291, Chapter 3,)	
Motor Carrier Rules and Regulations, to)	COMMENTS
amend provisions of the rules.)	
)	
)	
)	

Camelot Transportation, Inc., and Triumph Transportation, Inc. (collectively “Camelot”); City Taxi, Inc. (“City Taxi”); Comstock Corp. dba Action Cab (“Action Cab”); and WHC NE, LLC dba zTrip; WHC NE, LLC dba Cornhusker Cab Company and zTrip; WHC NE, LLC dba Happy Cab and zTrip; WHC NE, LLC dba Checker Cab Company and zTrip; WHC NE, LLC dba Yellow Cab Company and zTrip; and WHC NE, LLC dba Safeway Cabs and zTrip (collectively “zTrip”) (all commenters collectively “Nebraska Transportation Coalition” or “Coalition”), by and through their attorneys of record, submits these comments (“Comments”) in response to the Order Releasing Proposed Rules and Seeking Comment (“Order”), entered by the Public Service Commission (“Commission”) in the proceeding docketed Rule and Regulation No. 203 on October 29, 2019.

Introduction

The Nebraska Transportation Coalition applauds the Commission’s undertaking of this rule-making proceeding, which acknowledges and embraces changes in technology, ensures fairness, and continues the Commission’s record of protecting the public. The Coalition supports the Commission’s work and has no objection to the rules as proposed. The Coalition’s comments will speak specifically to each of the proposed changes. Additionally, the Coalition urges the Commission to expand this rule-making to address a concern members of the Coalition have expressed in the past about the process and procedure for considering applications for motor carrier certificates and permits.

New Class of Service

The Coalition does not object to the rules creating a new class of service called “Unique Purpose” for “low-speed vehicles” or the related standards, restrictions, and requirements.

Soft Meters

The Commission’s proposed rules allowing and establishing standards and requirements for “Taxi Soft Meters” recognize the evolution of customer-friendly technology. In particular, zTrip conceptually supports these rules as proposed and appreciates the Commission’s initiative in proposing them. Corporate officers of zTrip are still reviewing the soft meters rules, and we will supplement these Comments with any specific concerns or suggestions as soon as possible.

Hours of Service

The Coalition has no objection to the change in Rule 005.05 relating to hours of service.

Logbook Rules

The Coalition has no objection to consolidating rules 005.06 and 005.07 regarding logbook requirements.

Insurance Requirements

Camelot and Action Cab appreciate the Commission’s proposed changes to the insurance requirements set for in Rule 003.03 and support the changes. Basing insurance coverage requirements on vehicle size rather than class of service is more logical and fair.

Vehicle Safety

The Coalition does not object to the changes in vehicle safety requirements proposed in rules 005.09 through 005.11.

Application Process

The Commission's proposed rules do not address the process and procedures for handling applications for motor carrier certificates and permits of authority. Yet, the current process has been the subject of concern for not only the Nebraska Transportation Coalition, but also others who have pushed for legislative reform. The current process requires little vetting of applications for new or expanded authority prior to publishing notice of the application. The process also unduly leads to proceedings that are adversarial and litigious. While the Coalition strongly opposes legislation to remove standards established to ensure that transportation services are available in rural areas and outside of popular business and entertainment districts in urban areas, the Coalition supports reform that will enable the Commission to more efficiently and less contentiously promote the public interest and protect passenger safety.

The Nebraska Transportation Coalition will refrain from suggesting specific rules until ascertaining whether the Commission would officially entertain such rules in this proceeding, but the following outline would guide the parties' future recommendations:

- Enhance the requirements of a complete application to include more information about:
 - The services to be offered;
 - Potential clientele;
 - The Applicant's resources and ability to provide the services proposed;
 - The Applicant's understanding of the industry, especially how rides are brokered on behalf of the Department of Health and Human Services;
 - The Applicant's understanding of the Commission's insurance coverage requirements and premium costs, and the applicant's ability to pay for the required coverage as

- demonstrated by the posting of a bond for the initial premium; and
 - Actual evidence that the services are needed in the territory proposed and will not impair current service.
- A thorough administrative review of the application by Commission staff to determine whether the application is complete.
 - Upon determination that the application is complete, the Commission would publish notice of the application.
 - Protests, interventions would need to be filed within 15 days of publication (cutting the present time by half).
- The remainder of the process would proceed according to current procedures.

The process proposed above would put more burden on staff at the front-end of an application proceeding to ensure that the applicant is capable of providing necessary service without impairing the ability of current carriers to comply with service obligations imposed by statute and regulation, but the process would reduce the administrative burden on the Commission in resolving contested applications. A robust review of more thorough applications will reduce the number of applications existing carriers would protest, and more applications would be handled administratively by modified procedure.

Should the Commission be willing to consider streamlining the application process by modifying its rules in this proceeding, the Nebraska Transportation Coalition is committed to cooperating with the Commission and other stakeholders in establishing those rules.

DATED: December 6, 2019

CAMELOT TRANSPORTATION, INC., and TRIUMPH
WHC NE, LLC DBA HAPPY CAB AND
ZTRIP; WHC NE, DBA CHECKER
CAB COMPANY AND ZTRIP; WHC
NE, LLC DBA YELLOW CAB
COMPANY AND ZTRIP; AND WHC
NE, LLC DBA SAFEWAY CABS AND
ZTRIP

By: REMBOLT LUDTKE LLP
3 Landmark Centre
1128 Lincoln Mall, Suite 300
Lincoln, NE 68508
(402)475-5100
apollock@remboltlawfirm.com

By: s/Andrew S. Pollock
Andrew S. Pollock (#19872)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an original and five copies of the above ***Comments*** were filed with the Public Service Commission on December 6, 2019, and a copy was served via electronic mail, to the following:

Public Service Commission
psc.motorfilings@nebraska.gov

John Monroe
john.monroe@nebraska.gov

s/Andrew S. Pollock
Andrew S. Pollock