

STATE OF NEVADA



DAWN GIBBONS
Chair

GEORGE ASSAD
Commissioner

R. DAVID GROOVER
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE April 28, 2022 GENERAL SESSION

WEBEX LINK: <https://businessnv2.webex.com>

DIAL IN NUMBER: 1-844-621-3956

THURSDAY, APRIL 28, 2022, MEETING ACCESS CODE: 2492 208 9424

THURSDAY, APRIL 28, 2022, MEETING PASSWORD: xDr4mXcxU72

Members of the public may attend the meeting via WebEx or telephone. During the agenda participants will listen for their designated item number to be called and follow the instructions given at the meeting to comment.

AGENDA

1. Call to Order

Chairman Dawn Gibbons called the meeting to order at 9:35a.m.

2. Roll Call

Present: Chairman Dawn Gibbons, Commissioner George Assad, Commissioner David Groover, Administrative Attorney Patricia Erickson, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Paul Servello, Deputy Attorney General Radhika Kunnel, Deputy Attorney General Matthew Feeley, Senior Deputy Attorney General David Newton,

3. Pledge of Allegiance

IT Professional Jeffrey Berry led a recital of the pledge.

4. WebEx Instructions

IT Professional Jeffrey Berry read directions for participation in the Webex meeting.

5. Public Comment

Richard Brieger stated he currently works with Yellow Cab and Executive and has been parked and unable to work for a month and asked that someone contact him.

6. Approval of Agenda

Applications Manager Liz Babcock asked that a public comment section be added to the end of the meeting as it was left off in error. She also requested Items 47, 65, 76 and 77 be removed from consideration. Commissioner Assad asked that Item 13 be pulled. Legal Research Assistant Rita Brownawell asked that Item 63 be removed from consideration. Approved as modified 3-0

7. Approval of the Minutes of the March 24, 2022, Agenda Meeting

Approved 3-0

8. Approval of the Minutes of the April 7, 2022, TNC Regulation Adoption Meeting Docket No. 21-10017

Approved 3-0

9. Briefings from the Commissioners

Commissioner Assad thanked staff for the preparation of the Agenda and mentioned several staff members by name and requested to return to in person meetings again. Commissioner Groover thanked Administrative Attorney Patricia Erickson for working to schedule several hearings the past month and thanked the financial staff for their assistance.

10. Briefing from the Deputy Commissioner

None

11. Report of Legal Counsel

Radhika Kunnel reported the following updates: In the Sierra Nevada Transportation matter, a Motion to Dismiss and a Motion to Stay Discovery have been filed. The Motion to Stay Discovery has been granted, the court has not yet ruled on the Motion to Dismiss. In the matter of the Petition for Judicial Review by Highroller Transportation, the court ruled it was not meritorious, and that any fines are to be paid by the company. In the matter of the Petition for Judicial Review by Marji, it has been dismissed.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 12 through 28, with the exception of Item 13, were considered collectively. Approved 3-0

12. Citation 22345 issued to CH Destinations, Inc. d/b/a Canyon Coach Lines for violation of NAC 706.381 (DG)

13. Citation 22651 issued to Edgar Perez, LLC d/b/a Eddy's Towing for violation of NAC 706.311 and NRS 706.4477 (DG)

Commissioner Assad detailed his concerns with the Order and that the Citation was dismissed. James Kent, Esq. appeared on behalf of the Respondent and briefly detailed the circumstances of the tow. A brief discussion ensued. Approved 2-1 Commissioner Assad opposed

14. Citation 23554 issued to Ashley's Towing Inc dba Ashley's Towing for violation of NAC 706.4477(2)(b)(2) (DG)

15. Citations 21949 and 21950 issued to Alpha Transportation, LLC for violations of NRS 706.463 and NAC 706.203 (GA)

16. Citation 22612 and Impound I-4101 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 22612 issued to Cameron Batty/Best of Vegas Moving Co. for violation of NRS 706.386 and NRS 706.758 (GA)

17. **Citation 22751 and Impounds I-4014 and I-4015** The impoundment pursuant to NRS 706.476 for vehicles registered to and Citation 22751 issued to Parmenides Martinez-Hernandez for violation of NRS 706.386 and NRS 706.758 (GA)
18. **Citation 22886 and Impound I-3809** The impoundment pursuant to NRS 706.476 for a vehicle registered to and Citation 22886 issued to Kenny Varona Sanchez for violation of NRS 706.386 and NRS 706.758 (GA)
19. **Citation 23516 and Impound I-3823** The impoundment pursuant to NRS 706.476 for a vehicle registered to and Citation 23516 issued to Jorge Armando Ramirez for violation of NRS 706.386 and NRS 706.758 (GA)
20. **Impound I-4283** The impoundment pursuant to NRS 706.476 of a vehicle registered to Hertz Vehicles, LLC (GA)
21. **Citation 20032, 20033, 22893 and 22934** issued to American Stage Lines Inc. for violation of NRS 706.386 (4 counts) (RDG)
22. **Citation 21448** issued to Sunset Limousine for violations of NRS 706.386 and NRS 706.758 (RDG)
23. **Citations 22025, 22951 and 22952** issued to Lyft, Inc. for violations of NRS 706A.180(2) (38 counts), NRS 706A.160(2) (5 counts), NRS 706A.160(2)(A)(5), NRS 706A.160(2)(A)(4) (3 counts) and NRS 706A.160(4) (8 counts) (RDG)
24. **Citation 22611** issued to Craig Gilliam/Five Star Moving for violation of NRS 706.758 (RDG)
25. **Citation 22613 and Impound I-3674** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 22613 issued to On The Go Transpo, LLC/Jose Magana-Lopez for violation of NRS 706.386 and NRS 706.758 (RDG)
26. **Citation 22729** issued to Scott Chesher for violation of NAC 706.2473 ref. 49 CFR 391.41 (RDG)
27. **Citation 22855 and Impound I-3664** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 22855 issued to Christopher Shockley for violations of NRS 706.386 and NRS 706.758 (RDG)
28. **Citation 23001** issued to Luxury Limousine of Las Vegas, LLC for a violation of NRS 706.251 (RDG)

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**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

29. **Docket 21-10030** The Application of Andrometer Towing, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (DG)
James Kent, Esq. appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0
30. **Docket 21-11004** The Application of Speedy Roadside, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)
Lucy Elias appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0
31. **Docket 21-12034** The Application of Gatowing Family, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)
Lucy Elias appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0
32. **Docket 22-02002** The Application of Grab N Go Towing, LLC for a certificate of public convenience and necessity to provide consent-only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (DG)
Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

33. **Docket 20-12013** The Application of Lux Bus America Co., Inc. for approval of a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)
Justin Townsend, Esq. appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0
34. **Docket 21-10021** The Application of WTH Commercial Services, LLC for final approval of a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (DG)
Matt Morris, Esq. appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0

MOTION TO EXTEND COMPLIANCE PERIOD

35. **Docket 20-11018** The motion to extend the compliance period to September 30, 2022, for the application of The Butler Transportation of Las Vegas, LLC d/b/a Top Notch Party Bus of Las Vegas. This required retroactive approval. Staff investigation concluded.
James Kent, Esq. appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 3-0

REQUEST FOR TEMPORARY DISCONTINUANCE

- 36. Docket 22-03033** The temporary discontinuance from March 18, 2022, through September 18, 2022, of service provided by Eagle Ridge Capital, LLC d/b/a DeanMark Roadside Assistance under CPCN 7461. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 3-0

REQUEST TO EXTEND TEMPORARY DISCONTINUANCE

- 37. Docket 20-03022** The request to extend temporary discontinuance from March 18, 2022 through September 18, 2022, of services provided by Portofino Tours Service, Inc. d/b/a SEEUSATOURS under CPCN Permit MV 6142, Sub 1, and if denied, Staff's recommendation to issue an Order To Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.
Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff supports the extension request. Approved 3-0
- 38. Docket 20-03034** The request to extend temporary discontinuance from March 20, 2022 through May 20, 2022, of services provided by Vegas Strip Transportation, LLC d/b/a Vegas Strip Transportation under CPCN 2143, and if denied, Staff's recommendation to issue an Order To Show Cause as to why the CPCN should not be revoked.
Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0
- 39. Docket 20-04034** The request to extend temporary discontinuance from March 17, 2022 through September 17, 2022, of services provided by AKT, LLC d/b/a AKT under CPCN 2261, and if denied, Staff's recommendation to issue an Order To Show Cause as to why the CPCN should not be revoked.
Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. Mr. Tadesse indicated he is in the process of purchasing a vehicle. OSC approved 3-0

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- 40. Docket 21-04013** The request to extend temporary discontinuance from March 18, 2022 through September 18, 2022, of services provided by U.S. Party Bus, LLC d/b/a U.S. Party Bus under CPCN 2218, and if denied, Staff's recommendation to issue an Order To Show Cause as to why the CPCN should not be revoked.
Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. Mr. Tegafaw appeared and stated he has purchased a vehicle and is waiting for insurance. OSC approved 3-0

EXPIRED TEMPORARY DISCONTINUANCE

41. Docket 20-01011 The expired temporary discontinuance from September 28, 2021 through March 26, 2022, of services provided by Vegas Black Car, LLC d/b/a VBC under CPCN 2256 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC Approved 3-0

42. Docket 20-02010 The expired temporary discontinuance from June 14, 2021 through December 14, 2021, of services provided by Power Wheels Towing, L.L.C. d/b/a Power Wheels Towing under CPCN 7396 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

43. Docket 20-03014 The expired temporary discontinuance from March 11, 2021 through March 11, 2022, of services provided by Las Vegas Transportation & Tours, LLC d/b/a LVTT under CPCN 2268 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

James Kent, Esq appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

44. Docket 20-04021 The expired temporary discontinuance from September 20, 2021 through March 20, 2022, of services provided by Motodudes, Inc. d/b/a Red Rock Magical Mystery Tour, Magical Mystery Tours, The Desert Duck, Red Rock Scooter Tours, Red Rock Discovery Tours under CPCN 1137 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

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45. Docket 20-04027 The expired temporary discontinuance from February 23, 2021 through February 22, 2022, of services provided by Uthiopia, LLC, d/b/a Winner Transportation under CPCN 2151, Sub 2, and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

46. Docket 20-05012 The expired temporary discontinuance from March 18, 2021 through March 17, 2022, of services provided by Annie Bananie Charters, LLC under CPCN 2214 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. Marilyn Irizarry appeared on behalf of the carrier and requested additional time. OSC approved 3-0

- 47. Docket 20-05017** The expired temporary discontinuance from May 16, 2021 through November 15, 2021, of services provided by Nevada Relocation Services, LLC under CPCN 3367 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Item removed from Agenda prior to consideration.

- 48. Docket 20-07017** The expired temporary discontinuance from January 24, 2021 through January 23, 2022, of services provided by Double Decker Bus Company of Las Vegas, LLC d/b/a Double Decker Bus Co. under CPCN 2120 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. Mike Rosetti appeared on behalf of the carrier and offered an explanation and what his current plan is. OSC approved 2-1 Chairman Gibbons opposed

- 49. Docket 20-07020** The expired temporary discontinuance from September 15, 2021 through March 22, 2022, of services provided by Desert Sky Transportation, Inc. d/b/a Desert Sky under Permit MV 6138, Sub 2, and Staff's recommendation to issue an Order to Show Cause as to why the Permit should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

- 50. Docket 20-08020** The expired temporary discontinuance from February 20, 2021 through February 19, 2022, of services provided by Start Express Transportation, LLC under CPCN 2208 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

- 51. Docket 20-10018** The expired temporary discontinuance from March 10, 2021 through March 9, 2022, of services provided by A&K Towing and Recovery, Inc. under CPCN 7300 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

- 52. Docket 21-03004** The expired temporary discontinuance from March 1, 2021 through February 28, 2022, of services provided by Erik McKissick d/b/a Active Movers under CPCN 3347 and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and indicated staff's request for an Order to Show Cause. OSC approved 3-0

NAME CHANGES

- 53. Docket 22-02015** The Petition of All Star Towing, LLC d/b/a All Star Towing for approval to add a second fictitious name to do business as Superior Towing for services provided under CPCN 7317. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request and indicated staff support.
Approved 3-0

FINANCIAL RATES AND TARIFFS

- 54. Docket 22-03005** The Application of United Moving Solutions, Inc. d/b/a United Moving Solutions for approval of a tariff rate modification for services conducted under CPCN 3371. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0
- 55. Docket 22-03012** The Application of Champion Movers, LLC d/b/a Champion Movers for final approval of a tariff rate modification for services conducted under CPCN 3337, Sub 3. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0
- 56. Docket 22-03035** The Application of Las Vegas VIP Limousines, LLC d/b/a VIP Limousines of Nevada for approval of a tariff rate modification for services conducted under CPCN 1103, Sub 1. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0
- 57. Docket 22-03047** The Application of Sin City BJ, LLC d/b/a Zippy Shell of Las Vegas, Zippy Shell for final approval of a tariff rate modification for services conducted under CPCN 3380. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the request and indicated staff support. John Bragonje, Esq. appeared on behalf of the carrier. Approved 3-0
- 58. Public Comment**
Brent Carson, Esq. requested clarification of the order of the afternoon session.

1:15 PM AFTERNOON SESSION

- 59. WebEx Instructions**
IT Professional Jeffrey Berry read directions for participation in the Webex meeting.
- 60. Public Comment**
Mark James requested Item 68 be taken after public comment.

APPLICATIONS FOR DRIVER PERMITS

(Closed sessions may be held for items 61 through 63 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

- 61. Permit 12371** The Authority will determine whether to grant the application of James Kulcsar for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Permit denied 3-0

62. **Permit 12518** The Authority will determine whether to grant the application of Michael Graham for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Permit denied 3-0
63. **Permit 12543** The Authority will determine whether to grant the application of Keith Carter for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Item removed from Agenda prior to consideration.

PETITION FOR LEAVE TO INTERVENE

64. **Docket 21-10020** The Authority will determine whether to affirm or reverse the Order Denying Both of the Petitions for Leave to Intervene Submitted by (1) GMT CARE and (2) LifeTrans regarding the Application of WMT Enterprises, LLC

Items 64 and 71 were considered collectively, after Item 81.

Mark James, Esq. requested the Order Denying the PLTI be vacated and an order be entered to allow them Intervenor status in the WMT Enterprises, LLC. Application. Brent Carson, Esq. agreed with Mark James, Esq. and offered a lengthy statement. James Kent, Esq. stated the opinion that the Order is consistent and that the Order be allowed to stand. Neal Tomlinson, Esq. stated the opinion that the burden has been met and that the Order be vacated. A lengthy discussion ensued. Motion to vacate the Order to Deny PLTI – Approved 2-1 Commissioner Groover opposed

65. **Docket 21-07013** The Authority will determine whether to affirm or reverse the Order Denying GMT CARE LLC's Petition for Leave to Intervene in the Application of Comfort Care Transportation, LLC

Item removed from Agenda prior to consideration.

APPLICATIONS FOR FULLY REGULATED CARRIERS

66. **Docket 18-03017** The Petition requesting a second extension of the Temporary Transfer of Operating Rights of Strip Limousine Services, LLC d/b/a Strip Limo granted under CPCN 1131, Sub 2, to Strip Limo, LLC during the pendency of the sale and transfer filed under Docket 21-11012 and the Petition for interim approval to cover any gap in the dates. Staff investigation concluded.

Brent Carson, Esq. appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the request and the procedural history and indicated staff's preference to maintain frequent status checks to insure the applications move forward.

Approved with a status check in 60 days 3-0

67. **Docket 18-08033** The Petition requesting a second extension of the Temporary Transfer of Operating Rights of Abraham Limo Service, Inc. d/b/a ALV granted under CPCN 1104, Sub 3, to Crown Limo, LLC during the pendency of the sale and transfer filed under Docket 18-08033 and the Petition for interim approval to cover any gap in the dates. Staff investigation concluded.

Brent Carson, Esq. appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the request and the procedural history and indicated staff's preference to maintain frequent status checks to insure the applications move forward.

Approved with a status check in 60 days 3-0

- 68. Docket 19-06030** The Application of LIFETRANS, Inc. for a status check of the approval granted for an expansion of operating authority provided under MV 6153. Staff investigation concluded. (GA)
Mark James, Esq requested a 90 day extension to accommodate the approval of additional contracts. Approved for an additional 90 days 3-0
- 69. Docket 19-07033** The Petition requesting a second nine (9) month extension of the Temporary Transfer of Operating Rights of AWG Ambassador, LLC d/b/a Universal Limousine Services, granted under CPCN 1068, Sub 9, to Universal Limousine Services, LLC d/b/a ULS and the Petition for interim approval to cover any gap in the dates. Staff investigation concluded.
Brent Carson, Esq. appeared on behalf of AWG. James Kent, Esq. appeared on behalf of ULS. Applications Manager Liz Babcock summarized the request and the procedural history and indicated staff's preference to maintain frequent status checks to insure the applications move forward. Approved with a status check in 60 days 3-0
- 70. Docket 21-08006** The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine, AWG Ambassador, AWG Charter Services for approval of an expansion of operating authority to do provide services in Washoe, Douglas, Lyon and Storey Counties and Carson City, Nevada under CPCN 1041, Sub 6. Staff investigation concluded. (DG)
Applications Manager Liz Babcock summarized the Application and indicated staff support. Brent Carson, Esq. appeared on behalf of the Applicant. Approved 3-0
- 71. Docket 21-10020** The Application of WMT Enterprises, LLC d/b/a WMT Medical Transportation for a Permit to operate as a contract motor carrier in the State of Nevada. Staff investigation concluded. (RDG)
Items 64 and 71 were considered collectively, after Item 81. Item is moot.

ORDERS TO SHOW CAUSE

- 72. Docket 22-01021** Order to Show Cause issued to Arrowhead Services, LLC as to why Certificate of Public Convenience and Necessity 7352 should not be revoked. Tabled from prior general session
Roland Smith appeared on behalf of the carrier and indicated his intent to resume operations. Applications Manager Liz Babcock detailed the procedural history of the docket. Item tabled for 6 months Approved 3-0
- 73. Docket 22-02025** Order to Show Cause issued to Nevada Relocation Services, LLC as to why Certificate of Public Convenience and Necessity 3367 should not be revoked.
Brent Carson, Esq. appeared on behalf of the carrier and detailed the progress made to resume operations. Applications Manager Liz Babcock detailed the procedural history of the docket. Item tabled to the next subsequent Agenda for a status update Approved 3-0

APPLICATIONS TO DISMISS

- 74. Docket 20-11026** The Application of 7 Rays Transport & Towing, LLC for a CPCN to provide consent-only tow car service within the State of Nevada. (GA) Deputy Commissioner's Motion to Dismiss Application.

Application dismissed 3-0

75. **Docket 21-02019** The Application of Towing Max Services, LLC for a CPCN to provide consent-only tow car service within the State of Nevada. (GA) Deputy Commissioner's Motion to Dismiss Application.

Application dismissed 3-0

DISCUSSION ITEMS

76. **Docket 22-04003** Discussion regarding immediate fuel surcharge for all carriers while fuel surcharge tables are determined to mitigate the higher costs of fuel.

Item removed from Agenda prior to consideration.

77. **Docket 22-04004** Discussion regarding the definitions of skilled and unskilled labor for non-consent tow car services to determine whether the rates are just and reasonable based on the laborer's qualifications and the effect of adjusting these rates on current non -consent tow car operators that may have these rates in their tariff.

Item removed from Agenda prior to consideration.

78. **Docket 22-04007** Model Tow Tariff revision regarding lien fees for compliance with NAC 706.4468 section 3 and NAC 706.4479 section 3. Staff investigation concluded.

Financial Analyst Yvonne Shelton detailed the corrections/changes to be made to the Model Tow Tariff. Michael Baumbach, President, NV State Tow Association, indicated the membership in agreement. Approved 3-0

79. **Docket 22- 03049** Discussion regarding NAC 706.3968(2) and the broad discretion conferred on each presiding officer to either (1) grant or (2) deny or (3) set the petition for further proceedings when review a Petition for Leave to Intervene and given this broad regulatory discretion and regardless of prior intervenor decisions, a presiding officer is not required to automatically or regularly grant a Petition for Leave to Intervene. **(RDG)**

Commissioner Groover detailed the standards and stated the opinion that PLTI's are not automatically granted. Brent Carson, Esq., James Kent, Esq., Kimberly Maxson-Rushton, Esq. and Neal Tomlinson, Esq. each offered statements regarding the broad discretion the Hearing Officer is afforded to determine whether to grant or deny a PLTI and the information submitted to be utilized to make that determination. A lengthy discussion ensued.

80. **Docket 22-03050** Discussion regarding whether a Petition for Leave to Intervene in a proceeding related to an application for a certificate of public convenience should contain facts which establish compliance with NAC 706.3966(2)(a)(1) AND (2) OR should contain facts which establish compliance with NAC 706.3966(b) before a presiding officer reaches the statutory conclusion that "the petitioner shall be deemed to have a direct and substantial interest in the proceeding if the petitioner demonstrates that he or she is authorized to provide the same type of service within the same territory as that which the applicant for the certificate purposes to provide." **(RDG)**

Commissioner Groover stated that simply "mirroring" the language does not contain facts to assist the hearing officer in making a decision whether it is related or not. Neal Tomlinson, Esq. and Mark James, Esq. stated the opinion that these changes would need to be made at the legislative level. Commissioner Assad states the design is to allow the Intervenor in and that they then must demonstrate the direct and substantial interest details. James Kent, Esq. stated the Intervenor should provide some detail, not just cite the regulation. A lengthy discussion ensued.

81. Docket 22-03051 Discussion regarding the interplay between the concluding statutory language of NAC 706.3966 (direct and substantial interest) and **NRS 706.391(3)** which specifies “the Authority shall not find that the potential creation of competition in a territory which may be caused by the granting of the certificate...by itself, will unreasonable and adversely affect other carriers operating in the territory for the purposed of’ NRS 706.391.(2)(c) (granting application as it will not unreasonably and adversely affect other carriers operating in the same territory) **(RDG)**

Commissioner Groover detailed the standards. Neal Tomlinson, Esq. stated the determination should be made after the initial proceeding, not at the filing of the PLTI. Kimberly Maxson-Rushton, Esq., Brent Carson, Esq., both offered statements in favor of granting the PLTI and holding a hearing to determine the possible adverse effects of the Application on the Intervenor. James Kent, Esq. stated the opinion that there should be enough information for the Hearing Officer to make an informed decision. Drew Ribar offered that additional regulation could make it more difficult for current carriers to have a voice. A lengthy discussion ensued.

82. Public comment

none

83. Adjournment

Meeting adjourned at 3:50 p.m.