

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director, Business & Industry

ANDREW J. MACKAY
Chairman

MONICA B METZ
Commissioner

GEORGE ASSAD
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE September 12, 2013 GENERAL MEETING

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:40 a.m.

2. Roll Call

Present in Las Vegas: Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Deputy Attorney General Christopher Eccles, and Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay and Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chairman MacKay led a recital of the pledge.

4. Public Comment:

None.

5. Approval of Agenda:

Administrative Attorney Day requested Item 103 be considered out of order to accommodate the attorney for the City of Sparks, that Storage Lot Designation Items 79 thru 82 be removed, that Item 12 be pulled as the assigned hearing officer granted a set aside, and that Item 17 be tabled to be heard at the next subsequent Agenda meeting. Commissioner Metz requested Item 54 be removed until the next subsequent Agenda meeting, pending receipt of payment. A correction was made to Item 15, the violation reads NAC 706.2745 and should read NAC 706.3745. Approved as modified 3-0.

6. Approval of the Minutes of the August 8, 2013 Agenda Meeting

Approved 3-0.

7. Briefings from the Commissioners

Commissioner Assad reminded those present of the anniversary of the 9/11 attacks and numerous others, noted related deaths, and requested a moment of silence in remembrance. Chairman MacKay thanked Administrative Attorney Day for the voluminous work done on this month's Agenda.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski stated the Authority has vacated the Order for Docket 12-11019 for 777 Towing Inc., noting the Applicant failed to provide the required compliance items. She also noted that the meeting for funding of SB210 chauffeur licensing has been reset for October 27, 2013.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported the stipulated facts have been filed in the Fairman matter and that there have been no requests for hearings in the Rapid Tow or Custom Towing matters.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

*Items 10-68, with the exception of Items 12, 17 and 54 were considered collectively.
Approved 3-0.*

- 10. Citations 14196 and 14197** issued to Safe Wings Company, LLC for violations of NAC 706.247/49 CFR 391.51, NAC 706.247/49 CFR 382.305, and NAC 706.247/49 CFR 391.43. (AJM)
- 11. Citation 14198** issued to Raine Family Towing - Roadrunner Inc. for a violation of NAC 706 as amended by LCB File No. R113-10. (AJM)
- 12. Citation 16287** issued to Dean Matayoshi for violations of NRS 706.386 and NRS 706.758. (AJM)
Item removed from Agenda prior to consideration.
- 13. Citation 16289** issued to Martin G. Knapp for violations of NRS 706.386 and NRS 706.758. (AJM)
- 14. Citation 16290** issued to MD Hossain for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.329. (AJM)
- 15. Citation 16291** issued to Reno Sparks Cab for violations of NAC 706.2745 (2 counts). (AJM)
- 16. Citation 16293** issued to Taslagyan Hayk for a violation of NAC 706.247/49 CFR 391.41. (AJM)
- 17. Citation 16294** issued to David Sevic for violations of NRS 706.386 and NRS 706.758. (AJM)
Item removed from Agenda prior to consideration and tabled until next subsequent Agenda meeting.
- 18. Citation 16296** issued to Gregory Miller/Lake Tahoe Taxi for violations of NRS 706.386 and NRS 706.758. (AJM)
- 19. Citation 16297** issued to Hazel Guy/Lakeshore Taxi for violations of NRS 706.386 and NRS 706.758. (AJM)
- 20. Citation 16420** issued to Welcome's Auto Body & Towing for a violation of NRS 706.285. (AJM)

21. **Citation 16423** issued to Sunshine Taxi for a violation of NAC 706.247/49 CFR 391.51. (AJM)
22. **Citation 16425** issued to Discover Lake Tahoe Tours for violations of NRS 706.386 and NRS 706.758. (AJM)
23. **Impound 2131 and Citation 16300.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16300 issued to Johnny M. Lewis for violations of NRS 706.386 and NRS 706.758. (AJM)
24. **Impound 2155 and Citation 16298.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16298 issued to Cedrick Brooks for violations of NRS 706.386 and NRS 706.758. (AJM)
25. **Impound 2164.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Alvin Guy. (AJM)
26. **Impound 1507.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Lakeshore Taxi. (AJM)
27. **Impound 1534.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Shawn Beaman. (AJM)
28. **Impound 2132.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U Haul. (AJM)
29. **Citation 15673** issued to Five Star Limo/Danil Akopian for a violation of NAC 706.247/49 CFR 391.51(7)(i). (MBM)
30. **Citation 16388** issued to Kenneth Ray Baldwin for violations of NAC 706.228(4) and NAC 706.228(5). (MBM)
31. **Citation 16389** issued to Five Star Limo, LLC for a violation of NAC 706.360. (MBM)
32. **Citation 16393** issued to Alvin Guy for violations of NRS 706.386 and NRS 706.758. (MBM)
33. **Citation 16608** issued to Stuart Cantara for violations of NRS 706.386 and NRS 706.758. (MBM)
34. **Impound 1586.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Elvin Stevenson. (MBM)
35. **Impound 2166.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ricardo Flores-Hernandez. (MBM)
36. **Impound 2168.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Donna Cantara. (MBM)

37. **Impound 2174 and Citation 16620.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16620 issued to Bamdad Baniyadi for violations of NRS 706.386 and NRS 706.758. (MBM)
38. **Citations 15674 and 15675** issued to Anthony's Towing for violations of NAC 706.247/49 CFR 382.301(a) (3 counts) and NAC 706.247/49 CFR 391.51 (7)(i) (5 counts) and NAC 706.247/49 CFR 391.51(b)(4) (6 counts). (GA)
39. **Citation 16107** issued to Aria Ariano for violations of NRS 706.386 and NRS 706.758. (GA)
40. **Citations 16394, 16395, 16396, 16397 and 16601** issued to ABC Towing for violations of NAC 706.311 (5 counts) and NAC 706.420 (2 counts). (GA)
41. **Citation 16566** issued to Justin Acosta for violations of NRS 706.386 and NRS 706.758. (GA)
42. **Citation 16570** issued to Souphan Rasavong for violations of NRS 706.386 and NRS 706.758. (GA)
43. **Citations 16584, 16585 and 16586** issued to City 2 City Towing for violations of NAC 706.247/49 CFR 396.11, NAC 706.203, NAC 706.430, NAC 706.247 and NAC 706.206. (GA)
44. **Citation 16602** issued to Arthur Yarbrough for a violation of NAC 706 as amended by LCB File No. R127-07(1). (GA)
45. **Citation 16626** issued to Earth Buses for a violation of NAC 706.247/49 CFR 382.301(2). (GA)
46. **Impound 2008.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Aria Ariano. (GA)
47. **Impound 2071.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Shawn Archambeau. (GA)
48. **Impound 2117.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Richard Acosta. (GA)
49. **Impound 2169 and Citation 16610.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16610 issued to Carlos Humberto Medina for violations of NRS 706.386 and NRS 706.758. (GA)
50. **Impound 2172 and Citation 16615.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16615 issued to Michelle Meyer for violations of NRS 706.386 and NRS 706.758. (GA)
51. **Impound 2173 and Citation 16303.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16303 issued to Brandon Hollimon for violations of NRS 706.386 and NRS 706.758. (GA)

52. **Impound 2165 and Citation 16398.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16398 issued to Alia Jackson for violations of NRS 706.386 and NRS 706.758. (GA)
53. **Citation 14195** issued to Martin Ross & Associates for violations of NRS 706.465 (2 counts).
54. **Citation 14224** issued to All West Coachlines, Inc. for violations of NAC 706.381 (9 counts).
Item removed from Agenda and tabled until next subsequent Agenda meeting pending receipt of payment.
55. **Citation 16230** issued to Blue Ribbon Relocation, LLC for a violation of NAC 706.329.
56. **Citation 16361** issued to The Tow Truck Company for a violation of NAC 706 as Amended by LCB File No. R112-10(4).
57. **Citation 16387** issued to Rosella Waites for a violation of NAC 706.228(3).
58. **Citation 16399** issued to Warren Starkey for a violation of NAC 706 as amended by LCB File No. R127-07(1).
59. **Citation 16400** issued to Emilio Gonzalez-Cueto for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07(1).
60. **Citation 16415** issued to Atlas Towing for a violation of NRS 706.285.
61. **Citation 16567** issued to John Mackey for a violation of NAC 706.228.
62. **Citation 16569** issued to Michael Allen for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41.
63. **Citation 16588** issued to Michael Kidane for a violation of NAC 706.228.
64. **Citation 16605** issued to Hassan Omar for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07(1).
65. **Citation 16606** issued to Ronald Rey Alvarez for a violation of NAC 706.228(5).
66. **Citation 16611** issued to Sergio Encina for a violation of NAC 706 as amended by LCB File No. R127-07(1).
67. **Citation 16612** issued to Lonnie Crosby for a violation of NAC 706.228.
68. **Citation 16613** issued to Oscar Gonzalez for violations of NAC 706.228(3) and NAC 706.228(5).

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

- 69. Docket 13-01008** The joint Application of Rush In Towing, LLC for authority to sell and transfer and Voss Automotive Group, LLC d/b/a Rush In Towing to purchase and acquire the authority to provide tow car service within the State of Nevada, granted under Certificate of Public Convenience and Necessity 7221, Sub 1. Staff investigation concluded. (GA)
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.
- 70. Docket 13-04017** The joint Application of Florentino Casanas for authority to sell and transfer and Hector Ramirez to purchase and acquire USA Towing, Inc. a carrier authorized to provide tow car service within the State of Nevada, granted under Certificate of Public Convenience and Necessity 7273. Staff investigation concluded. (MBM)
Commissioner Metz summarized the limited background hearing, the concerns and recommendations, and indicated Staff support. Approved 3-0.
- 71. Docket 13-05026** The Application of All Star Towing, LLC d/b/a All Star Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)
Chairman MacKay summarized the Application and indicated Staff support. Financial Analyst Lidia Aronova reviewed several items that would be included in the Compliance Order. Approved as modified 3-0.
- 72. Docket 13-08024** The temporary discontinuance from August 26, 2013 through February 26, 2014 of services provided by M & M Tow & Transport, LLC under Certificate of Public Convenience and Necessity 7149, Sub 1. Staff investigation concluded.
Chairman MacKay summarized the request. Commissioner Metz requested the dates for granting the request read September 12, 2013 to February 26, 2014. Approved as modified 3-0.

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

- 73. Docket 13-03016** The Application of Chris Transportation, LLC for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)
Commissioner Assad summarized the Application and recommended the Application be denied. Application denied 3-0.
- 74. Docket 13-05010** The Application of Lee's Tour & Travel, Inc. d/b/a Lee's Tour and Travel for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)
Commissioner Metz summarized the Application, indicated Staff support, and requested a "no walk up" restriction be added to the operating authority. James Kent, Esq., appeared on behalf of the Applicant and requested the Authority be specific in the restriction language. Approved as modified 3-0.

75. Docket 13-05027 The Application of World Transportation, Inc. d/b/a World Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application, indicated the PLTI filed by the Livery Operators Association had been withdrawn, and requested a “no walk up” restriction be added to the operating authority. Approved as modified 3-0.

76. Docket 13-06020 The Joint Application of Buffalo Tuff, Inc. d/b/a Nevada Party Bus for authority to sell and transfer and Rowdy Industries, LLC d/b/a Nevada Party Bus to purchase and acquire the authority to provide charter bus service within the State of Nevada, granted under Certificate of Public Convenience and Necessity 2146. Staff investigation concluded. (GA)

Financial Analyst Yvonne Shelton summarized the Application and indicated Staff support. Chairman MacKay indicated a written protest had been filed by the Livery Operators Association. Kimberly Maxson-Rushton, Esq., appeared on behalf of the LOA and summarized the written protest. Arthur Rosen, Managing Member of Rowdy Industries, appeared on behalf of the Applicant and listed the safety equipment on the vehicle. Commissioner Assad stated his preference to table the item in order to further review safety requirements. Item tabled 3-0.

VOLUNTARY CANCELLATIONS

77. Docket 13-08011 The voluntary cancellation of John Goldwin Smith & Terese Smith d/b/a AM or PM Towing and Recovery of Certificate of Public Convenience and Necessity 7111, Sub 1. Staff investigation concluded.

Chairman MacKay summarized the request. Approved 3-0.

78. Docket 13-08012 The voluntary cancellation of Rapid Tow, LLC d/b/a Rapid Tow of Certificate of Public Convenience and Necessity 7224, Sub 2. Staff investigation concluded.

Chairman MacKay summarized the request and indicated the abeyance amounts would be triggered if or when Rapid Tow or its principal would resume operations under the same or a different name. Commissioner Metz expressly stated that granting the cancellation does not waive the Authority’s rights with regard to abeyances or fines in the pending Petition for Judicial Review matter and requested this be added to the Order. Approved as modified 3-0.

STORAGE LOT DESIGNATION REQUESTS

All items in this section were removed from Agenda prior to consideration.

79. Docket 13-06007C Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Amica Mutual Insurance Company for designation of a vehicle storage lot. (AJM)

80. Docket 13-06007D Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Assurance America Insurance Company and its affiliates for designation of a vehicle storage lot. (AJM)

81. Docket 13-06007E Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Shelter Insurance Co. for designation of a vehicle storage lot. (AJM)

- 82. Docket 13-06007F** Pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013), the Authority will consider a request from Century-National Insurance Co. for designation of a vehicle storage lot. (AJM)

PETITION TO DEVIATE FROM REGULATION

- 83. Docket 13-06008** Petitioner All About Service Limousine, Inc. seeks Authority approval to deviate pursuant to NAC 706.1305 from the definition of “regular business hours” set forth in NAC 706.1045. Specifically, the carrier seeks relief from the obligation to remain open for business, record inspection, and other purposes on certain Jewish religious holidays. (GA)
Aaron Sas, Owner, appeared on behalf of the Petitioner and summarized his request. Kimberly Maxson-Rushton, Esq., appeared on behalf of the Livery Operators Association and detailed their written Protest. A discussion ensued with regard to the continued operation and the availability of the owner during the time the physical office is closed. Chairman MacKay stated if the deviation does not comport with what was filed with the Authority, the deviation would be revoked. Commissioner Metz requested an itemization of requirements be contained in the Order for this matter. Approved as modified 3-0.

EXEMPTION REQUESTS

Administrative Attorney Day summarized the general pattern followed for exemption requests and approval and Staff’s reluctance to grant such requests without certification and the safety requirements thereof. He also stated that Items 84, 85 and 86 were open for discussion; however the items ultimately would be referred back to the Chairman for his approval.

- 84. Docket 13-04007.** John Messmore/Red E Bike Rentals seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a certificate of public convenience and necessity to provide intrastate commercial passenger transportation/tours in Nevada. (AJM)
John Messmore appeared on behalf of Red E Bike Rentals and indicated his concern regarding the ability to conduct business without the exemption.
- 85. Docket 13-05009.** Safak Sahin/DeTour Vegas, LLC seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a certificate of public convenience and necessity to provide intrastate commercial passenger transportation/tours in Nevada. (AJM)
Safak Sahin appeared on behalf of DeTour Vegas and stated his that he does not compete with tour companies or transportation companies and does not feel he is truly in the transportation business.
- 86. Docket 13-05018.** Brett Milholin/Bites and Sites of Las Vegas seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a certificate of public convenience and necessity to provide intrastate commercial passenger transportation/tours in Nevada. (AJM)
Brett Milholin appeared on behalf of Bites and Sites and indicated the initial transportation would be the free shuttle and the remaining tour would be handled by a licensed carrier.

A discussion ensued with regard to the exemption requests. Administrative Attorney Day suggested the Dockets be assigned to Chairman MacKay to afford him the time to do the research necessary and Orders would appear on the next subsequent Agenda meeting. Action approved 3-0.

PETITIONS FOR RECONSIDERATION

- 87. Docket 09-06022** In the Matter of the joint application of Pro-Action Limousine & Concierge Services, Inc. for authority to sell and transfer and of The Kirk-Hughes Sampson Family Trust to purchase and acquire the authority to provide charter limousine service within Clark and Nye Counties, Nevada under Certificate of Public Convenience and Necessity 1090. Petitioners Sam Callis and Shirldean Callis ask the Authority to reopen this docket, or in the alternative initiate an Order to Show Cause docket, based upon the Applicants' alleged failure to comply with the terms of the final Order approving the sale and transfer (approved at the Authority's July 13, 2011 general session). (MBM)

Commissioner Metz briefly summarized the procedural history of the docket, expressed that she sympathizes with the Petitioners, and stated if fraud is found in District Court, she would consider the Petition for Reconsideration to re-open the docket, however due to the timeliness of the request, her recommendation was to deny the Petition. Ms. Kirk-Hughes, Esq., appeared on behalf of Pro-Action Limousine and James Kent, Esq., appeared on behalf of the Petitioners. Mr. Kent referenced a document regarding stock transfer and payment of sale amount from escrow, stating payment had not been made so the stock transfer never took place. Ms. Kirk-Hughes stated this is simply an accounting issue. Commissioner Metz reiterated her preference to wait for the District Court findings to avoid duplicative efforts. Mr. Kent indicated the arbitration decision would be made September 26, 2013. Petition denied 3-0.

- 88. Docket 12-05021** The Application of Feth Investments, LLC d/b/a NTI Transportation for a CPCN to provide charter bus service within the State of Nevada. Applicant Feth Investments, LLC d/b/a NTI Transportation petitions for reconsideration of the Authority's May 30, 2013 final Order in the matter. (AJM)

Chairman MacKay summarized the request and procedural history, indicating he found no additional evidence requiring a grant of the Petition. Administrative Attorney Day suggested reissuing the Order to afford the Applicant the opportunity to submit a Petition for Judicial Review, if so desired. Mr. Brian Hardy, Esq., appeared on behalf of the Applicant and asked if the possibility existed to resubmit an amended application. Chairman MacKay denied the request. Mr. Hardy asked if an application for fully regulated operating authority could be filed immediately and was answered in the affirmative. Petition denied and Order to be reissued 2-0, with Commissioner Metz abstaining.

- 89. Docket 13-08004** Saul Ortega petitions for reconsideration of the Authority's July 2, 2013 final Order in the matter of Citation 16216. The Petitioner seeks to have his failure to appear set aside and a new hearing set. (GA)

Mr. Saul Ortega appeared and stated personal issues prevented him from appearing. Commissioner Assad indicated no objection to rehearing the matter. Motion to set aside granted and matter reset for hearing. Approved 3-0.

- 90. Docket 13-08021** Donald Acey petitions for reconsideration of the Authority's August 8, 2013 final Order in the matter of Citation 16379. The Petitioner seeks to have his failure to appear set aside and a new hearing set. (AJM)

Mr. Donald Acey appeared and stated personal issues prevented him from appearing. Chairman MacKay indicated no objection to rehearing the matter. Motion to set aside granted and matter reset for hearing. Approved 3-0.

FINANCIAL RATES AND TARIFFS

- 91. Docket 08-10005** The Application of Roadway Company d/b/a Roadway Towing and Recovery for approval of a tariff rate modification for tow car services conducted under conducted under Certificate of Public Convenience and Necessity 7128. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the Application and indicated Staff support. Approved 3-0.
- 92. Docket 12-01018-A** The Application of Alpine Auto Service, Inc. d/b/a Alpine Towing for approval of a tariff rate modification for tow car services conducted under conducted under Certificate of Public Convenience and Necessity 7070. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.
- 93. Docket 13-07022** The Application of Airline Limousine Corporation, d/b/a Airline Shuttle Corp for approval of a tariff rate modification for charter limousine, airport transfer, and special service conducted under Certificate of Public Convenience and Necessity 2050, Sub 4. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the Application and indicated Staff support. Approved 3-0.
- 94. Docket 13-07024** The Application of Airport Mini Bus, Inc. for approval of a tariff rate modification for charter limousine, airport transfer, and special service conducted under Certificate of Public Convenience and Necessity 2350, Sub 6. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved as modified 3-0.
- 95. Docket 13-07025** The Application of Bell Limo, Inc. for approval of a tariff rate modification for charter limousine service conducted under Certificate of Public Convenience and Necessity 1217. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.
- 96. Docket 13-08016** The Application of Seiji, LLC d/b/a Seiji Limousine for approval of a tariff rate modification for charter limousine and scenic tour service conducted under Certificate of Public Convenience and Necessity 1111, Sub 1. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the Application and indicated staff support. Approved 3-0.

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 97. Docket 11-07004** The Joint Application of Phyllis J. Clemmer d/b/a Fernley Taxi to sell and transfer and of Roy L. Street d/b/a Capital Cab Company to purchase and acquire the authority to provide taxicab service conducted under Certificate of Public Convenience and Necessity ("CPCN") 1030, Sub 1. As a result of the sale and transfer CPCN 1030 would be canceled and the authority thereunder merged into CPCN 2445. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and procedural history and indicated Staff support. Approved 3-0.

98. Docket 11-12021 The Application of BLS Limousine Service of Las Vegas, Inc. for an expansion of operating authority granted under Certificate of Public Convenience and Necessity 1070, Sub 2. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and procedural history in detail and stated his reasoning for recommending denial of the request. Commissioner Assad made a detailed statement in general agreement with Chairman MacKay. Bill Kain and Michael Okon appeared by telephone on behalf of BLS Limousine Service. Kimberly Maxson-Rushton, Esq., appeared on behalf of the Intervenor, Livery Operators Association. A discussion ensued with regard to the details of the Application and the Chairman's findings. Application for Expansion denied 3-0.

99. Docket 12-12016 The Joint Application of the Denise Gentile for authority to sell and transfer and of the remaining four owners to purchase and acquire 16.5% ownership of Medical Transport Co., LLC a carrier authorized to provide non emergency medical transportation services under Certificate of Public Convenience and Necessity 1112. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and procedural history and indicated Staff support. Approved 3-0.

100. Docket 13-08008 The Application of Desert Cab, Inc. d/b/a Odyssey Limousine for an expansion of operating authority granted under Certificate of Public Convenience and Necessity 1070, Sub 2. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application, and indicated Staff support. Chairman MacKay stated that granting of the Application would have to be conditional on no petitions for leave to intervene being filed before the deadline of September 13, 2013. Brent Carson, Esq., appeared on behalf of the Applicant and requested clarification of item 3b of the Order. Explanation for 3b states before the modified certificate is issued, the subcontract must be approved by the Airport and a copy supplied to Staff. Approved as modified 3-0.

DISCUSSION/ACTION ITEMS

101. Docket 13-07039 The Authority will discuss amending the settlement fine schedule amounts and standard fine recommendation standards for hearings for first and subsequent passenger carrier driver violations such as solicitation, uniform rates, and unattended vehicles. (AJM)

Chairman MacKay summarized the settlement fine schedule and the recommendations. Commissioner Metz asked Chairman MacKay if he had stated a desire at an earlier general session to add trip sheet and hours of service violations to the taxi section with fines set forth. Chairman MacKay confirmed. Senior Deputy Attorney General Newton stated the NAC 706.311 violation should also be added. A discussion ensued with regard to medical card violations. Upon inquiry by Senior Deputy Attorney General Newton, the Authority confirmed that the fine schedule is primarily for Staff settlements and not meant to interfere with the AG's discretion. Adoption of fine schedule as modified approved 3-0.

102. Docket 13-08031 The Authority will discuss adding property-specific "convenience fee," "access fee" or "loading fee" to tariffs, as a pass-through fee akin to McCarran Airport AVI fees. Such fees are assessed by certain resort properties and/or their door staff—often at a rate of \$1.00 per passenger—for loading passengers. Currently, carriers are prohibited by NAC

706.311(1)(a) from collecting such fee from the passenger and passing the fee on to the charging resort entity. (AJM)

Administrative Attorney Day summarized the discussion item and the corresponding history. Kimberly Maxson-Rushton, Esq., appeared on behalf of the Livery Operators Association and requested the item be tabled until further information can be gathered for presentation. Item tabled until next subsequent Agenda meeting 3-0.

103.Docket 13-08032 The Authority will discuss The City of Sparks Towing Services Agreement. The Agreement, to which one or more certificated tow carriers are a party, includes a requirement [at paragraph 8(C), "Exception"] that tow carriers charge specific, very low rates for certain non-consent tows for which the City will be financially responsible. However, these discounted non-consent tow rates do not appear in the tariff for any Nevada tow carrier. Accordingly, the Agreement conflicts with Nevada statutory and regulatory requirements for tow carriers to charge exactly their tariff rates for all non-consent tows (including but not limited to NAC 706.311, NAC 706.329) and that carriers not charge any reduced rate based on status as a payor's status as a governmental entity or officer , and NRS 706.351). The Authority will consider the recommendation of legal counsel to issue a letter notifying potentially affected carriers of the obligation to strictly comply with tariff rates for all nonconsensual tows. This Item may include issuance of an advisory opinion pursuant to NAC 706.4007.

Chairman MacKay summarized the item. Scott McCollum, Owner of City Auto Towing, stated his position with regard to the events and the Agreement. Mr. Chet Adams, City Attorney for Sparks, stated the City of Sparks position and reviewed the events and the contract requirements, noting specifically that 8(c) only prohibits the tow carrier from collecting from the owner of the vehicle any amount paid by the City toward the release of the vehicle and that any outstanding amount (after the City's partial payment is applied) could be collected from the vehicle owner. Commissioner Metz thanked Mr. McCollum for bringing the issue to the attention of the Authority and Mr. Adams for taking time to provide clarification. Chairman MacKay moved that a letter be sent to notify potentially affected carriers of the obligation to strictly comply with tariff rates for all nonconsensual tows. Action approved 3-0.

104.Docket 13-06007 The Authority will discuss the process for interim and final approval of requests for vehicle storage lot designation pursuant to Section 3, Paragraph 7 of Senate Bill 456 (77th 2013). (AJM)

Chairman MacKay summarized and suggested any presiding officer could issue an interim approval of tow lot designation with final approval to be voted upon at the next subsequent general session. David Walker, Walker Towing, questioned if the Authority would have a workshop to detail the implementation of the storage lot designation. Item tabled, to be heard at the next subsequent Agenda meeting.

105.Public Comment

David Walker, Walker Towing stated the cancellation of the Certificate for AM or PM Towing and Recovery is a great loss to the towing community.

Kimberly Maxson-Rushton, Esq., commended Authority Staff on the excellent work they are doing.

Chairman MacKay stated with regard to SB210, several questions arose in his conversation with LCB such as: replacement certificates, temporary certificates for drivers changing companies, etc. It was the opinion of LCB attorney that interim approval can be granted and then ratified at a subsequent general session by the full Authority.

106. Adjournment

Meeting was adjourned at approximately 3:50p.m.