

1 **BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY**

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3 In the Matter of:)
4 APPLICATION OF ACE CAB, INC.,)
5 UNION CAB CO., A NLV CAB CO,)
6 VEGAS-WESTERN CAB, INC., AND)
7 VIRGIN VALLEY CAB COMPANY, INC.)
8 FOR APPROVAL OF CHARGE FOR)
9 CREDIT CARD AND DEBIT CARD)
10 TRANSACTIONS FOR PAYMENT OF)
11 CHARGES ON TAXIMETER, AND)
12 SETTING MAXIMUM ALLOWABLE)
13 SUCH CHARGE.)

9 At a general session of the State of Nevada Taxicab Authority
10 held at the
11 Taxicab Authority
12 1785 East Sahara Avenue #200
13 Las Vegas, Nevada 89104

13 PRESENT: Stacie Truesdell Michaels, Esq., Chairman
14 Susan Carrasco O'Brien, Esq., Vice-Chairman
15 Robert Forbuss, Member
16 John G. Marushok, Member
17 Josh C. Miller, Member
18 Scott Davis, Deputy Attorney General
19 Gordon L. Walker, Administrator

17 **ORDER GRANTING THE APPLICATION OF ACE CAB, INC., UNION CAB CO., A NLV**
18 **CAB CO., VEGAS-WESTERN CAB, INC., AND VIRGIN VALLEY CAB COMPANY, INC.**
19 **FOR APPROVAL OF CHARGE FOR CREDIT CARD AND DEBIT CARD TRANSACTIONS**

19 IT APPEARING that on the 23rd day of March, 2010, and the 6th day of April, 2010,
20 public hearings were held in the above-entitled matter in compliance with the provisions of the
21 Nevada Open Meeting Law, the Nevada Administrative Procedure Act, Chapter 706 of the
22 Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), at which time
23 all interested parties appeared and were heard.

24 IT FURTHER APPEARING that Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-
25 Western Cab, Inc. and Virgin Valley Cab Company, Inc. (collectively "FRIAS") filed an
26 Application for Approval of Charge for Credit Card and Debit Card Transactions for Payment
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1 of Charges on Taximeter, and Setting Maximum Allowable Such Charge (“Application” or
2 “FRIAS Application”).

3 IT FURTHER APPEARING that the Nevada Taxicab Authority (“Authority”) received
4 testimony, evidence and argument from the parties at the hearings and that the Authority
5 having duly considered the evidence and pleadings, fully considered the law and being fully
6 advised in the premises makes its Findings of Fact, Conclusions of Law and Order as follows:
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8 **FINDINGS OF FACT**

9 1. On January 5, 2010, FRIAS filed the subject Application.

10 2. On January 8, 2010, January 12, 2010 and January 14, 2010, the Authority issued
11 Notices of Agenda for a Board Meeting and Public Hearing that included the FRIAS
12 Application as an agenda item for discussion and possible decision at a hearing to be held on
13 January 26, 2010. The Notices each indicated that the deadline to file Petitions to Intervene
14 was 5:00 p.m. on January 20, 2010.
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16 3. The following entities filed Petitions to Intervene in the FRIAS Application agenda item
17 for the hearing on January 26, 2010: Lucky Cab Company of Nevada (January 15, 2010);
18 Desert Cab Company (January 19, 2010); Western Cab Company (January 19, 2010); ITPE
19 Union (AFL-CIO) (January 20, 2010); A Cab, LLC (January 20, 2010); Whittlesea Blue Cab
20 Company and Henderson Taxi (January 20, 2010); Nevada Yellow Cab Corporation, Nevada
21 Checker Cab Corporation and Nevada Star Cab Corporation (January 20, 2010); and
22 Taxipass (January 21, 2010).
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24 4. At the hearing held on January 26, 2010, FRIAS agreed to continue the Application
25 hearing to the following Board Meeting and Public Hearing to be heard on February 23, 2010.
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27 5. On February 10, 2010, due to a Special Session of the Legislature, the Authority
28 cancelled the hearing scheduled for February 23, 2010.

1 6. On March 11, 2010, the Authority issued a Notice of Agenda for a Board Meeting and
2 Public Hearing which included the FRIAS Application as and agenda item for discussion and
3 possible decision at a hearing to be held on March 23, 2010. The Notice indicated that the
4 deadline to file Petitions to Intervene was 5:00 p.m. on March 15, 2010, and entities that
5 previously filed Petitions to Intervene in response to the original Notice in January were not
6 required to re-file such Petitions.

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8 8. The following entities filed additional Petitions to Intervene in the FRIAS Application
9 agenda item for the hearing on March 23, 2010: Western Cab Company (March 15, 2010);
10 Nevada Yellow Cab Corporation, Nevada Checker Cab Corporation and Nevada Star Cab
11 Corporation (March 15, 2010); and Taxipass (March 15, 2010).

12 9. At the hearing held on March 23, 2010, the Authority granted the Petitions to Intervene
13 of Lucky Cab Company of Nevada, Desert Cab Company, Western Cab Company; ITPE
14 Union (AFL-CIO), A Cab, LLC, Whittlesea Blue Cab Company and Henderson Taxi, and
15 Nevada Yellow Cab Corporation, Nevada Checker Cab Corporation and Nevada Star Cab
16 Corporation, denied the Petitions to Intervene of Taxipass. The Authority received testimony
17 and evidence from FRIAS and argument from FRIAS and the Interveners. The hearing was
18 also continued to April 6, 2010, for the purpose of receiving additional testimony, evidence
19 and argument from the parties.
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22 10. On March 29, 2010, and again on March 31, 2010, the Authority issued Notices of
23 Agenda for a Board Meeting and Public Hearing that included the FRIAS Application as and
24 agenda item for discussion and possible decision at a hearing to be held on April 6, 2010.
25 The Notices each indicated that the deadline to file Petitions to Intervene was 3:00 p.m. on
26 April 2, 2010.
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1 11. The following entities filed Petitions to Intervene in the FRIAS Application agenda item
2 for the hearing on April 6, 2010: A Cab, LLC (April 1 and 2, 2010); Desert Cab Company
3 (April 1, 2010); United Steelworkers Union (April 1, 2010); Western Cab Company (April 1,
4 2010); Whittlesea Blue Cab Company and Henderson Taxi (April 1, 2010); and Nevada
5 Yellow Cab Corporation, Nevada Checker Cab Corporation and Nevada Star Cab Corporation
6 (April 2, 2010).

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8 12. On April 5, 2010, FRIAS filed a Supplemental Memorandum of Points and Authorities in
9 Support of its Application. No objection to FRIAS' Supplemental Memorandum of Points and
10 Authorities in Support of its Application was raised by the Interveners.

11 13. At the hearing held on April 6, 2010, the Authority granted the Petitions to Intervene of
12 A Cab, LLC, Desert Cab Company, United Steelworkers Union, Western Cab Company,
13 Whittlesea Blue Cab Company and Henderson Taxi, and Nevada Yellow Cab Corporation,
14 Nevada Checker Cab Corporation and Nevada Star Cab Corporation ("YCS"). During the
15 hearing, YCS made an oral motion to join the FRIAS Application, which the Authority granted.
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17 14. FRIAS presented testimony from John Hickman, Chief Operating Officer for the FRIAS
18 companies, and presented documentary evidence disclosing the cost calculations indicating
19 the basis for a \$3.00 fee, as well as documentary evidence of credit and debit card transaction
20 fees imposed by other industries within Clark County, Nevada. The documentary evidence
21 was attached as exhibits to FRIAS' Application and to FRIAS' Supplemental Memorandum of
22 Points and Authorities in Support of its Application. The Interveners offered argument, but did
23 not call any witnesses or present evidence to the Authority during the hearing.
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25 15. While FRIAS does not currently allow their passengers to pay taxicab fares using credit
26 and debit card payment services, or have an agreement with any payment services vendor to
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1 provide such services, it wishes to offer such payment services to its passengers in the near
2 future, and therefore requests approval from the Authority to do so.

3 16. Credit and debit card transactions generally carry three (3) categories of expenses: 1)
4 Equipment and infrastructure in the taxicabs and in the home office necessary to process the
5 transactions; 2) Administrative expense to process the transactions, including but not limited
6 to personnel time and wireless data transfer expense; and 3) Fees of the bank and credit card
7 processing companies.
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9 CONCLUSIONS OF LAW

10 1. The Authority has the power to regulate such fees through its direct enabling statutes
11 and codes, and residual and plenary power to regulate taxicab services. See, e.g., NRS
12 706.8819(1) (Authority shall conduct hearings and make final decisions on applications to
13 adjust, alter or change the rates, charges or fares for taxicab service); NRS 706.8824(6)(b)
14 (Authority shall review the rates, charges or fares of the certificate holders in its jurisdiction);
15 NRS 706.8827(5) (Authority may attach any terms and conditions to rights under certificate
16 necessary to protect public interest); NAC 706.471(1) (Only the Authority may set, adjust, alter
17 or change the rates, charges or fares for service by a taxicab; NAC 706.471(2) (A hearing
18 concerning rates, charges or fares may be initiated by the Authority or upon Application of any
19 Certificate Holder); and NAC 706.471(3) (Except upon a showing that the public interest
20 requires otherwise, the rates, charges or fares of all holders of a certificate in a county will be
21 uniform); see also, Lamb v. Mirin, 90 Nev. 329, 526 P.2d 80 (1974) (Taxicab Authority's power
22 to regulate taxicab industry in Clark County is complete).
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25 2. The Taxicab Authority has the authority to conduct hearings and make final decisions
26 regarding any fees attached to the payment of the taxicab "rates, charges or fares" indicated
27 on the taximeter.
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1 3. It is in the public interest for Certificated taxicab companies to allow its passengers to
2 pay taxicab fares using credit and debit card payment services.

3 4. It is also in the public interest for the Authority to set a uniform fee which can be
4 charged for using such credit and debit card payment services.

5 5. The current standard fee in the Clark County, Nevada, taxicab industry for offering
6 credit and debit card payment services is \$3.00 per transaction.

7 6. Such a \$3.00 flat fee per transaction is a reasonable and appropriate fee based on the
8 costs of providing such credit and debit card payment services in taxicabs.

9 7. The hearing of this matter was held in accordance with the applicable Nevada Revised
10 Statutes and Nevada Administrative Code provisions.

11 8. The interests, welfare, convenience, necessity and well being of the customers of
12 taxicabs, as well as the industry as a whole, including drivers and certificate holders, are
13 better served by this order.

14 9. The Authority having considered all the testimony, evidence, argument and pleadings,
15 fully considered the law and being fully advised in the premises finds as follows: 1) That
16 FRIAS and YCS may charge a uniform fee of \$3.00 per credit or debit card transaction each
17 time a passenger, at the passenger's option, chooses to use such credit or debit card
18 payment services to pay their taxicab fare; 2) That in the event such fees, or any portion
19 thereof, are actually received by any FRIAS or YCS Certificated taxicab company, receipts
20 from such fees for credit and debit card transactions must be reported as revenue to the
21 Authority in its annual report; and 3) That FRIAS and YCS have voluntarily agreed to disclose
22 the \$3.00 fee on the exterior of each of its taxicabs offering credit or debit card payment
23 services in a form to be approved by the Administrator.
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ORDER

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IT IS HEREBY ORDERED THAT the FRIAS Application and YCS' joinder in the FRIAS Application are granted as set forth above.

DATED this ____ day of April, 2010.

By the Authority

Stacie Truesdell Michaels, Chairman

ATTEST: _____
Gordon L. Walker, Administrator
Nevada Taxicab Authority