

**BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY**

IN THE MATTER OF:

A CAB'S MOTION FOR DECLARATORY  
ORDER RE: A CAB'S APPLICATION FOR  
MODIFICATION OF CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY

**ORDER**

At a regular monthly session of the State of Nevada Taxicab Authority, held at the Nevada Taxicab Authority, 1785 E. Sahara Ave., Ste. 200, Las Vegas, NV 89104.

**PRESENT:** Ileana Drobkin, Chairperson  
Dean Collins, Member  
Dennis Nolan, Member  
Joe Hardy, Jr., Member  
Josh Miller, Member  
Charles D. Harvey, Taxicab Authority Administrator

On January 28, 2014, a public hearing was held regarding the above-entitled matter in compliance with the provisions of the Nevada Open Meeting Law, the Nevada Administrative Procedure Act, Chapter 706 of the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC), at which time all interested parties appeared and were permitted to be heard. At this duly noticed meeting, Agenda Item No. 16 was listed as captioned above.

The Taxicab Authority received proof regarding the circumstances affecting the interests of the taxicab industry, drivers and customers in Clark County, and having duly considered the evidence and being fully advised in the premises, makes its Findings of Fact and Conclusions of Law, as follows:

**FINDINGS OF FACT**

1. On November 15, 2013, a public hearing was held regarding the above-entitled matter, pursuant to NAC 706.980 and .982.
2. The Taxicab Authority Board found that there is a need to issue a declaratory order.

- 1 3. Pursuant to NAC 706.984, the Taxicab Authority Board ordered the Administrator to  
2 review the comments of the Board members on this issue, research the issue, seek the  
3 assistance of the Office of the Attorney General, and submit a draft declaratory order  
4 for Board approval.
- 5 4. The Administrator reviewed the comments of the Board members, researched the  
6 issue, sought the assistance of the Office of the Attorney General, and submitted a  
7 draft declaratory order for Board approval.
- 8 5. The following filed Petitions to Intervene and all were permitted to intervene and be  
9 heard: (1) Desert Cab Company, (2) Western Cab Company, (3) A Cab, LLC, (4)  
10 Whittlesea Blue Cab Company/Henderson Taxi, (5) Lucky Cab Company, (6) Ace Cab,  
11 Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab  
12 Company, and (7) ITPE Union.
- 13 6. The Applicant and Intervenors were allowed to present argument and evidence  
14 regarding the above-agendized item.
- 15 7. The Applicant argued that this proceeding to modify the Applicant's CPCN should be  
16 governed by NRS 706.391 and its corresponding regulations because NRS 706.391  
17 employs language expressly allowing for modification, whereas, NRS 706.8827 does  
18 not.
- 19 8. The Applicant also argued that this proceeding to modify the Applicant's CPCN should  
20 be governed by NRS 706.391 and its corresponding regulations because the  
21 Applicant's burden of proof is greater under NRS 706.8827 than under NRS 706.391.
- 22 9. The Intervenors argued that this proceeding to modify the Applicant's CPCN cannot be  
23 governed by NRS 706.391 and its corresponding regulations because NRS 706.391  
24 does not apply to the taxicab industry in Clark County.  
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**CONCLUSIONS OF LAW**

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1. Pursuant to NAC 706.984, the Taxicab Authority Board has authority to approve the Administrator’s draft Declaratory Order.
2. Pursuant to NRS 706.881, NRS 706.391 does not apply to the taxicab industry in Clark County.
3. The Taxicab Authority Board hereby approves the Administrator’s draft Declaratory Order.
4. If any of the foregoing conclusions of law is more appropriately construed as a finding of fact, it may be so construed.

**ORDER**

IT IS HEREBY ORDERED that the Administrator’s draft Declaratory Order is APPROVED.

IT IS FURTHER ORDERED that the Administrator shall give notice of the Board’s decision to approve the draft Declaratory Order to the Applicant.

Dated this \_\_\_\_\_ day of February, 2014.

BY THE AUTHORITY:

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ILEANA DROBKIN – CHAIRWOMAN

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JOE HARDY, JR. - MEMBER

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DENNIS NOLAN – MEMBER

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DEAN COLLINS - MEMBER

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JOSH MILLER – MEMBER

ATTEST:

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CHARLES D. HARVEY - ADMINISTRATOR