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BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY

IN THE MATTER OF:

DISCUSSION AND POSSIBLE DECISION
REGARDING TAXICAB COMPANIES
ADDING A FUEL SURCHARGE.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

At a hearing of the STATE OF NEVADA TAXICAB AUTHORITY ("Taxicab Authority"), held at the Nevada State Business Center, 3300 W. Sahara Avenue, Suite 400, Las Vegas, NV 89102.

PRESENT: Dan R. Reaser, Chair
Roger C. Thompson, Ph.D, Vice-Chair
Richard David Groover, Member
(telephonically) Cindy Rodriguez, Member
J.D. Decker, Taxicab Authority Interim Administrator
Justin Taruc, Deputy Attorney General

The Taxicab Authority makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. By previous Board vote and an order of the Taxicab Authority dated August 17, 2015, the Taxicab Authority ordered

"[t]hat a twenty cent (20¢) fuel surcharge shall be added to the metered mile for Clark County taxicabs automatically anytime the cost of regular unleaded fuel rises above \$3.25 per gallon on average during a thirty (30) day period. The fuel surcharge may be reviewed if the unleaded fuel drops below \$3.25 per gallon for thirty (30) consecutive days, the Taxicab Authority Administrator is authorized to remove the surcharge."

See Exhibit 1, pp. 3-4.

1 2. This Order has not been repealed by action of the Taxicab Authority, and
2 remains in effect.

3 3. On August 5, 2021 a notice of a public hearing for "The Discussion and Possible
4 Decision Regarding Taxicab Companies Adding a Fuel Surcharge" was published in the Las
5 Vegas Review-Journal, with a date set for the hearing before the Taxicab Authority of August
6 26, 2021.

7 4. On or about August 12, 2021, a Notice and Agenda for August 26, 2021 were
8 issued and posted. The Taxicab Authority's Agenda included an item 4- "Discussion and
9 possible decision regarding taxicab companies adding a fuel surcharge," noted for discussion
10 and possible action.

11 5. The following filed Petitions to Intervene in this matter: 1) Whittlesea Blue Cab
12 Company and Henderson Taxi; 2) Desert Cab Inc. and Blue Desert LLC (d/b/a Virgin Valley
13 Cab); 3) Boulder Cab Inc. (d/b/a Deluxe Taxicab Service); 4) Nevada Yellow Cab Corporation,
14 Nevada Checker Cab Corporation, Nevada Star Cab Corporation, YCS Acquisition LLC,
15 Twenty-First Century Taxi, LLC, Cab Transport, LLC, and Taxi Transport, LLC.

16 6. On August 26, 2021, a public hearing was held regarding the above-entitled
17 matter in compliance with the provisions of the Nevada Open Meeting Law, the Nevada
18 Administrative Procedure Act, Chapter 706 of the Nevada Revised Statutes ("NRS") and the
19 Nevada Administrative Code ("NAC"), at which time all interveners appeared and were
20 permitted to be heard. Public comment was also allowed.

21 7. At that meeting, the Taxicab Authority considered agenda item 4- "Discussion
22 and possible decision regarding taxicab companies adding a fuel surcharge."
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1 8. All interveners stated that the conditions of the August 17, 2015 Order had been
2 met for imposition of the fuel surcharge, and requested that the Taxicab Authority affirm its
3 Order so that the fuel surcharge could now be imposed as described.

4 9. Interveners also requested that the existing fuel surcharge be permitted to
5 extend to compensable "zone" trips- certain direct taxicab trips to and from McCarran Airport
6 that are subject to the flat-fare zone pricing- since the August 2015 Order contemplated
7 covering all compensable taxi trips, but zone pricing had not existed at that time. A \$1.00 fuel
8 surcharge, to be added to each zone flat fare, was recommended.

9 10. Discussion was had between Board members, interveners, agency staff, and
10 industry members regarding these concerns and proposals, as well as the need to notify the
11 public of any rate changes.
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13 11. The Taxicab Authority noted that, at the time of its meeting, the price of fuel has
14 met the parameters laid out in its August 17, 2015 Order to trigger the imposition of the fuel
15 surcharge.

16 12. After discussion and deliberation, all four members of the Taxicab Authority at
17 the August 26, 2021 meeting, having fully considered the law and being fully advised in the
18 premises, voted unanimously in favor of a motion affirming the terms of its Order of August 17,
19 2015 regarding fuel surcharges, mandating that all certificate holders charge this fuel
20 surcharge on their taximeters for each compensable trip (that is not subject to zone pricing)
21 since conditions for its imposition are currently met, and ordering all certificate holders to
22 amend the "rate cards" in their taxicabs to show that this fuel surcharge is now in place and
23 will be charged to customers.
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25 13. After discussion and deliberation, all four members of the Taxicab Authority at
26 the August 26, 2021 meeting, having fully considered the law and being fully advised in the
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1 premises, also voted unanimously in favor of a motion to require all certificate holders to add
2 for each compensable "zone" trip a one dollar (\$1.00) fuel surcharge to each of the three flat
3 rate zone prices previously ordered, while the conditions described in the 8/17/15 Order are
4 met, and to note the \$1.00 fuel surcharge in a legible manner on any material describing the
5 zone prices.

6 14. If any of the foregoing findings of fact is more appropriately construed as a
7 conclusion of law, it may be so construed.
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10 **CONCLUSIONS OF LAW**

11 The Taxicab Authority finds that the Findings of Fact, as well as the argument and
12 statements presented, support the following Conclusions of Law by a preponderance of the
13 evidence:

- 14 1. The area to be affected by this order is Clark County, Nevada.
15 2. The Taxicab Authority is duly constituted and may regulate the conduct of the
16 taxicab business pursuant to NRS 706.8818.
17 3. Generally, the Taxicab Authority may attach to the exercise of the rights granted
18 by the allocation of taxicab medallions any terms and conditions which in its judgment the
19 public interest may require. NRS 706.8824(5).
20 4. The Taxicab Authority is directed by law to review the rates, charges or fares of
21 the certificate holders in its jurisdiction. NRS 706.8824(6)(b).
22 5. The Taxicab Authority may adjust, alter or change the rates, charges or fares for
23 taxicab service, and is the only entity authorized to do so for taxicab service within its
24 jurisdiction. NRS 706.8819(1)(a), NAC 706.471(1).
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1 not subject to zone pricing) while the conditions described in the 8/17/15 Order are met, as
2 they currently are.

3 All certificate holders under the jurisdiction of the Taxicab Authority are hereby
4 mandated to amend all of the "rate cards" in their taxicabs to show that this fuel surcharge is
5 now in place and will be charged to customers. This change to the "rate card" may be done
6 by any uniform and legible means- sticker, stamp, etc. These changes must be reported to
7 the Administrator.

8 For each compensable trip that is subject to zone pricing (i.e., certain direct taxicab
9 trips to and from McCarran Airport, as previously ordered by the Taxicab Authority), all
10 certificate holders under the jurisdiction of the Taxicab Authority are hereby mandated to add
11 a one dollar (\$1.00) fuel surcharge to each of the three flat rate zone prices previously
12 ordered. As with compensable trips not subject to zone pricing, this \$1.00 fuel surcharge is
13 mandated and applies while the conditions described in the 8/17/15 Order are met, and will be
14 maintained and removed under the same standards as described in the 8/17/15 Order. The
15 \$1.00 fuel surcharge added to the zone prices is to be noted in a legible manner on any
16 material describing the zone prices that is offered or displayed by the certificate holders.

17 The Taxicab Authority directs the Administrator to monitor the United States
18 Department of Energy, Energy Information Administration survey on Weekly Retail Gasoline
19 and Diesel Prices, Regular Grade – West Coast, which shall be used to calculate the cost of
20 fuel. The Administrator is directed to determine when the conditions of the fuel surcharge
21 have been met, and is delegated the authority to impose or revoke the fuel surcharge
22 according to the conditions set forth in the 8/17/15 Order. No application and/or petition to the
23 Taxicab Authority is necessary for the Administrator to act according to the terms of this and
24 the 8/17/15 Order regarding fuel surcharges.
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1 This Order takes effect immediately.

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3 Dated this 30th day of August, 2021.

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5 BY THE AUTHORITY:

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7 *Dan R. Reaser*
8 Dan R. Reaser – Chairman
9 Nevada Taxicab Authority
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EXHIBIT 1

EXHIBIT 1

BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY

IN THE MATTER OF:

**DISCUSSION AND POSSIBLE DECISION
REGARDING FUEL PRICES AND THE
IMPLEMENTATION OF A FUEL
SURCHARGE.**

ORDER

At a regular monthly session of the State of Nevada Taxicab Authority, held at the Nevada Taxicab Authority, 2080 E. Flamingo Rd., Las Vegas, NV 89119.

PRESENT: Ileana Drobkin, Chairperson
Dean Collins, Member
Dennis Nolan, Member
James Campos, Member
Jennifer De Rose, (Acting) Taxicab Authority Administrator
Christine Guerri-Nyhus, Deputy Attorney General

On July 23, 2015, 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.

The following filed Petitions to Intervene and all were permitted to intervene and be heard: (1) Desert Cab Company, (2) Western Cab Company, (3) A Cab LLC, (4) Nellis Cab Company, (5) Yellow/Checker/Star Cab Companies, (6) Whittlesea Blue Cab Company/Henderson Taxi, (7) Lucky Cab Company, (8) Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company, (9) ITPE Union, and (10) United Steelworkers Union.

Intervenors and Staff were allowed to present argument and evidence regarding the need for a permanent fuel surcharge adjusting automatically due to the rising cost of fuel.

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

5 **FINDINGS OF FACT**

- 6
- 7 1. The Board recognizes the need for a fuel surcharge due to the recent increasing cost
8 of gasoline.
 - 9 2. The Taxicab Authority Staff recommends a twenty cent (20¢) fuel surcharge on every
10 metered mile be implemented when fuel costs rise above \$3.25 per gallon for a
11 continuing average over a 30 day period. The Board may review the fuel surcharge if
12 the cost of fuel rises above \$4.45 per gallon for a continuing average over a 30 day
13 period. Staff testified that it would be able to begin the process of calibrating
14 taximeters for the fuel surcharge upon approval.
 - 15 3. Intervenors supported a fuel surcharge, but recommended that the surcharge be
16 implemented automatically at any time fuel costs fall within the parameters of \$3.25 to
17 \$4.45 per gallon.
 - 18 4. Intervenors supported keeping the current Index used to calculate the cost of fuel for
19 the purposes of the fuel surcharge.
 - 20 5. The Board finds that further research is needed prior to considering the removal of
21 California from the Index used to calculate the cost of fuel for the purposes of the fuel
22 surcharge.
 - 23 6. For purposes of this order, the cost of fuel shall be based upon the figures provided by
24 the United States Department of Energy, Energy Information Administration survey on
25 Weekly Retail Gasoline and Diesel Prices, Regular Grade – West Coast.
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7. After discussion, the Board made a motion to approve a twenty-cent (20¢) fuel surcharge on the metered mile, to cover costs of fuel up to and including \$4.45 per gallon. This motion also specified a base of \$3.25 for calculation only, and grants to the Administrator the authority to remove the surcharge if the cost of fuel falls below \$3.25 per gallon for a period of 30 consecutive days.
 8. The Board decided that any meter change as a result of a fuel surcharge would be conducted concurrently with the implementation of the 3% excise tax.
 9. If any of the foregoing findings of fact is more properly deemed a conclusion of law, it may be so construed.

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CONCLUSIONS OF LAW

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1. This matter was held in accordance with applicable Nevada Revised Statutes
 2. The Taxicab Authority has the authority to review and alter taxicab rates, charges, or fares in Clark County, pursuant to NRS 706.8819(1)(a).
 3. The area to be affected by this Order is Clark County.
 4. The interests, welfare, convenience, necessity, and well-being of the customers of taxicabs are better served by this Order.
 5. If any of the foregoing conclusions of law is more appropriately construed as a finding of fact, it may be so construed.

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ORDER

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IT IS HEREBY ORDERED that the rates, charges and fares be increased as follows:

That a twenty cent (20¢) fuel surcharge shall be added to the metered mile for Clark County taxicabs automatically anytime the cost of regular unleaded fuel rises above \$3.25 per gallon on average during a thirty (30) day period. The fuel surcharge may be reviewed if the

1 unleaded fuel drops below \$3.25 per gallon for thirty (30) consecutive days, the Taxicab
2 Authority Administrator is authorized to remove the surcharge.

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Dated this 17th day of August, 2015.

BY THE AUTHORITY:

ILEANA DROBKIN - CHAIRPERSON

CERTIFICATE OF MAILING

1 I, Nancy Moran

2 , do hereby certify that I deposited in the U.S. mail,
3 postage prepaid, via First Class Mail and Certified Return receipt Requested, a true and
4 correct copy of the foregoing Findings of Fact, Conclusions of Law, and Order to the following:

5 Whittlesea – Henderson
6 ATTN: Brent Bell
7 1910 Industrial Road
8 Las Vegas, NV 89102

Lucky Cab
ATTN: Jason Awad
4195 W. Diablo
Las Vegas, NV 89103

8 Whittlesea – Henderson
9 ATTN: Cheryl Gibbons
10 1910 Industrial Road
11 Las Vegas, NV 89102

Lucky Cab
ATTN: Ryan Awad
4195 W. Diablo
Las Vegas, NV 89103

11 Whittlesea – Henderson
12 ATTN: Mark Trafton
13 1910 Industrial Road
14 Las Vegas, NV 89102

Deluxe
ATTN: Rich Flaven
P.O. Box 531787
Henderson, NV 89053-1787

14 Cooper Levenson Law Firm
15 ATTN: Kimberly Maxson-Rushton
16 3016 W. Charleston Blvd., Suite 195
17 Las Vegas, NV 89102

Jim Jimmerson
415 S. 6th Street, Suite 100
Las Vegas, NV 89101

16 Western Cab
17 ATTN: Marilyn Moran
18 4195 W. Diablo
19 Las Vegas, NV 89103

A Cab
ATTN: Jay Nady
1500 Searles Avenue
Las Vegas, NV 89101

19 Western Cab
20 ATTN: John Moran
21 4195 W. Diablo
22 Las Vegas, NV 89103

A Cab
ATTN: Mike Malloy
1500 Searles Avenue
Las Vegas, NV 89101

22 Lucky/Western
23 ATTN: Jason Lather
24 4195 W. Diablo
25 Las Vegas, NV 89103

ITPEU/OPEIU LOCAL
ATTN: Mike Kilgo
4480 W. Hacienda Ave., Suite 110
Las Vegas, NV 89118

25 Lucky/Western
26 ATTN: Donald Chan
27 4195 W. Diablo
28 Las Vegas, NV 89103

Robert Winner Esq.
4675 Wynn Road
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2 4675 Wynn Road
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5225 W. Post Road
Las Vegas, NV 89118

3 Desert Cab
4 ATTN: George Balaban
5 4675 Wynn Road
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6 Nellis Cab
7 ATTN: Michelle Langille
8 5490 Cameron Street
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12 Esther Rodriguez Esq.
13 10161 Park Run Drive, Suite 150
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KAPTYN
ATTN: Michael Morrison
4675 S. Wynn Road
Las Vegas, NV 89103

14 Yellow Checker Star
15 ATTN: Mike Rawlings
16 5225 W. Post Road
Las Vegas, NV 89118

KAPTYN
ATTN: Chris Bordonaro
4675 S. Wynn Road
Las Vegas, NV 89103

17
18
19 Dated this 30th day of August, 2021.
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Employee of the Taxicab Authority