

BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY

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In the Matter of the Public Hearing Regarding)
Modifying Taxi Rates During a Special Event)
and Designation of Special Event)
_____)

**ORDER SETTING HEARING
AND GRANTING STAY OF
SURCHARGE RATE DECISION**

This matter is before the Nevada Taxicab Authority Board (the "**Board**"), on an Emergency Application for Rehearing (the "**Application**"), filed on January 4, 2025, by Administrator Todd Park of the Nevada Taxicab Authority (the "**Authority**"). The Application is made and based upon the provisions of Section 706.972 of the Nevada Administrative Code (the "**NAC**").

The Application requests the Board to notice and conduct a rehearing upon the decision and order of the Board entered in this matter on January 2, 2025 (the "**Pilot Surcharge Decision**"), and authorizing a pilot program for a special event surcharge rate for taxicabs for two conventions. The Pilot Surcharge Decision imposes the first such surcharge rate commencing at 12:00 a.m. (PST) on January 6, 2025. The grounds stated for the relief requested in the Application is that the Pilot Surcharge Decision may have been entered in violation of Section 241.020 of the Nevada Revised Statutes (the "**NRS**"), the state open meeting law. The Application further requests that pending a rehearing, the Pilot Surcharge Decision should be "retracted."

The Authority acting through the Administrator has all rights of participation as a party" in any proceeding. See NEV. ADMIN. CODE § 706.855(2). NAC 706.972 provides:

1. An application for a rehearing must be filed with the Administrator not later than 30 days after the effective date of the order upon which rehearing is requested.
2. Rehearings will be conducted in accordance with the procedure at regular hearings, subject to the discretion of the Authority or Administrator.
3. The filing of a petition for rehearing does not excuse compliance with the order nor suspend the effectiveness of such order unless otherwise ordered.

NEV. ADMIN. CODE § 706.972.

1 If proven, issuance of the Pilot Surcharge Decision without compliance with NRS
2 241.020, would present a serious situation. The Pilot Surcharge Decision would be
3 void, see NEV. REV. STAT. § 241.036, and as a consequence the imposition and
4 collection of the surcharge rate could have been made without lawful authority under
5 NRS 706.8819.

6 The Authority asks in the Application that the Pilot Surcharge Decision should be
7 "retracted." NAC 706.972 does not provide for the "retraction" of a decision or order of
8 the Board until the rehearing is granted and conducted, and then only if the Board so
9 decides. NAC 706.972 does allow the entry of a procedural order excusing compliance
10 with an order and suspending the effectiveness of the order during the pendency of
11 Board action on the rehearing application.

12 Accordingly, good cause appearing to undersigned Presiding Officer for the
13 Board;

14 **IT IS ORDERED**

15 1. In accordance with NAC 706.876, the request of the Authority to retract
16 the Pilot Surcharge Decision shall be treated as an application for stay of that decision.

17 2. Pursuant to NAC 706.972 during the pendency of Board action on the
18 Application for a rehearing, compliance with the Pilot Surcharge Decision is excused
19 and the effectiveness of the Pilot Surcharge Decision is suspended.

20 3. The Authority shall notice for the February 19, 2025, regular meeting of
21 the Board:

22 (a) A public hearing on whether to grant or deny the Authority's
23 application for rehearing; and,

24 (b) In the event the Board grants the Authority's application for
25 rehearing, a public hearing to reconsider the Pilot Surcharge Decision.

26 4. The Authority shall consult with the Office of the Attorney General of
27 Nevada to ensure that the public hearings hereby set for February 19, 2025, are duly
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1 noticed and properly explained in the applicable agenda in compliance with NRS
2 241.020.

3 5. The Authority will publish notice that any person that wants to participate
4 in the public hearings hereby set for February 19, 2025, must file a petition for leave to
5 intervene on or before February 3, 2025, in accordance with NAC 706.894 and such
6 petitions shall include a memorandum of points and authorities regarding:

7 (a) Whether the Pilot Surcharge Decision was made and entered in
8 violation of NRS 241.020; and,

9 (b) Whether the Pilot Surcharge Decision should be reinstated
10 provided the proceedings related to such reinstatement comply with all applicable laws.

11 6. The Authority shall promptly publish and serve a copy of this Order on all
12 certificate holders and require the certificate holders to:

13 (a) Remove from all taxicabs any notices of the surcharge that was
14 authorized in the Pilot Surcharge Decision; and,

15 (b) Remove any public signage placed providing notice of the
16 surcharge that was authorized in the Pilot Surcharge Decision.

17 Dated and entered this 4th day of January, 2025.

18 BY THE BOARD:

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21 Dan R. Reaser – Chair
22 Nevada Taxicab Authority Board
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