

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of)	FORMAL COMPLAINT NO. FC-1164
)	
United Transportation Union)	
Omaha, Nebraska)	
)	
Complainant)	
)	
vs.)	DISMISSED AT COMPLAINANT'S
)	REQUEST
Burlington Northern Railroad Co.)	
St. Paul, Minnesota)	
)	
Respondent)	ENTERED: December 14, 1982

APPEARANCES:

Craig D. Wittstruck, Esq.
P.O. Box 4554
Lincoln, NE 68504
Appearing for Complainant

Larry L. Ruth, Esq.
1000 NBC Center
Lincoln, NE 68508
Appearing for Respondent

BY THE COMMISSION:

OPINION AND FINDINGS

By complaint filed October 14, 1982, the United Transportation Union, Omaha, Nebraska, alleges that the respondent, Burlington Northern Railroad, provides its employees with sealed, purified drinking water on its trains in Nebraska.

On October 18, 1982, the Secretary of the Commission sent a copy of the complaint docketed as FC-1164 by first class mail to the respondent.

On November 10, 1982, the respondent filed an answer to the complaint alleging that procedures had been instituted to provide sealed, purified drinking water in milk-type cartons on all trains operating in the state of Nebraska.

On November 19, 1982, the Secretary of the Commission sent a letter by first class mail advising all known interested parties of hearing scheduled for December 3, 1982. Hearing was held in the Commission Hearing Room, pursuant to notice, before Commissioner Harold Simpson. At the hearing, after receiving evidence from Mr. Sam Zimmerman, Superintendent of the Nebraska Division, who testified that the sealed, half-pint, milk-type cartons would be furnished on all trains operating in the State of Nebraska.

Upon completion of the testimony by Mr. Zimmerman, counsel for the Complainant made an oral motion requesting that the complaint be dismissed. The hearing officer stated that this would be taken under advisement by the entire Commission, and the hearing was closed.

The Commission, upon due consideration of Formal Complaint No. FC-1164, and the evidence adduced at the hearing, and being fully advised in the premises, is of the opinion and finds that Formal Complaint No. FC-1164 in the matter of the United Transportation Union, Complainant, vs. Burlington Northern Railroad Company, should be dismissed at the request of the complainant.

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O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Formal Complaint No. FC-1164 in the matter of United Transportation Union, Omaha, Nebraska, Complainant, vs. Burlington Northern Railroad Co., St. Paul, Minnesota, Respondent, concerning contaminated drinking water on trains in Nebraska be, and it is hereby, dismissed at the complainant's request. The Respondent must continue to provide sealed, purified drinking water on all of its trains in Nebraska.

MADE AND ENTERED at Lincoln, Nebraska this 14th day of December, 1982.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

Terrence L. Kubrick
Executive Secretary

COMMISSIONERS CONCURRING:

Duane D. Gay