

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of)	FORMAL COMPLAINT NO. FC-1170
)	
Dokter Trucking Corp.,)	
)	
Complainant)	
)	
vs.)	DEFENDANT ORDERED TO CEASE
)	AND DESIST CERTAIN OPERATIONS
Lester Schweitzer & Sons Trucking,)	
)	
Defendant)	ENTERED: December 21, 1982

BY THE COMMISSION:

OPINION AND FINDINGS

By complaint filed November 29, 1982, Dokter Trucking Corp., Weeping Water, Nebraska, holder of certificate of public convenience and necessity number M-12350 and supplements thereunder, alleges that the Defendant, Lester Schweitzer & Sons Trucking, Cairo, Nebraska, willfully performed operations in Nebraska intrastate commerce beyond the scope of Defendant's authority granted in Certificate No. M-12524, and further alleges that in performing such transportation service Defendant has been willfully charging and collecting a lesser rate than the rate prescribed by the Commission for the performance of said service. An answer denying all material allegations of the complaint was filed by Defendant on December 10, 1982.

Subsequent to the filing of its answer, Defendant filed a statement of satisfaction with the Commission, offering to consent to the entry of an order by the Commission directing Defendant to cease and desist from transporting intrastate shipments of limestone products from Weeping Water, Nebraska, provided (a) that the entry of said order by the Commission would satisfy Complainant's interest in this proceeding, and (b) that the entry of said order does not preclude any subsequent filing by Defendant of an application with the Commission seeking appropriate authority for the transportation of such traffic. An acceptance of Defendant's offer of satisfaction was subsequently filed by the Complainant.

Upon consideration of Defendant's offer of satisfaction and Complainant's acceptance thereof, and being fully advised in the premises, the Commission is of the opinion and hereby finds that the Defendant, Lester Schweitzer & Sons Trucking, should be ordered to cease and desist from the transportation of intrastate shipments of limestone products from Weeping Water, Nebraska, until such time as Defendant may obtain an appropriate certificate from the Commission authorizing such operations.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the Defendant, Lester Schweitzer & Sons Trucking, Cairo, Nebraska, holder of a certificate of public convenience and necessity in M-12524, CEASE AND DESIST all operations involving the transportation of intrastate shipments of limestone products from Weeping Water, Nebraska until such time as Defendant obtains an appropriate certificate from the Commission authorizing such operations, and that this complaint in all other respects be dismissed.

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MADE AND ENTERED at Lincoln, Nebraska, this 21st day of December, 1982.

NEBRASKA PUBLIC SERVICE COMMISSION

Harold D. Simpson
Chairman

ATTEST:

Terrence L. Kuback
Executive Secretary

COMMISSIONERS CONCURRING:

Dwain D. Gay