

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Adams & Son Trucking, Inc. & Donald)	FORMAL COMPLAINT NO. 1231
and Rebecca Adams, dba Adams Trucking,)	
)	
Complainants,)	FORMAL COMPLAINT NO. 1231
)	SUSTAINED AND CERTIFICATE,
vs.)	REVOKED
)	
R.C. Williams, Inc.)	
)	
Defendant.)	ENTERED: April 9, 1991

APPEARANCES: For the Complainants:
Lavern Holdeman, Esq.
P.O. Box 5526
1560 So. 70th
Lincoln, NE 68505

BY THE COMMISSION:

OPINION AND FINDINGS

By complaint filed November 29, 1990, Adams and Son Trucking, Inc. (Adams) and Donald and Rebecca Adams, dba Adams Trucking (AT) allege that R.C. Williams, Inc. which holds authority in Certificate M-9805 and supplements thereto has suspended service in violation of §75-315 through 75-317 (Re-issue 1986). The prayer of the complaint requests that the complaint be heard on a consolidated record with Application No. M-13714 wherein J.W. Trucking, Inc. seeks to purchase the authority of R.C. Williams, Inc. The Commission's records show that the application was dismissed at the applicant's request; however, these complainants elected to proceed with their complaint. A hearing thereon was held March 4, 1991, in Lincoln with appearances as shown.

The defendant did not answer nor appear at the hearing.

Lavern Holdeman, counsel for the complainants, testified that he had served copies of the complaints on R.C. Williams as well as interrogatories. R.C. Williams II did provide answers to the interrogatories, although he did not sign them. The answers elicited from the defendant were entered in evidence as Exhibits 2 and 3.

Donald R. Adams testified: He is the vice president of Adams and also owner of AT. Both carriers are primarily long haul carriers of Mercer commodities which compete with the defendant. As far as he knows the defendant has discontinued service. In the past year he has not seen defendant's equipment in Nebraska. He is currently serving customers formerly served by defendant, such as Big H Drilling Company, Murfin Drilling, and Berexco. The one haul that defendant claims to have made in its answers to the interrogatories was, as far as he knows, an interstate movement. He knows that defendant's equipment is for sale.

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Complainants asked the Commission to take administrative notice of its files which would show that the defendant as not kept insurance on file and has purchased no plates for equipment in Nebraska.

From the answers to the interrogatories, the evidence shows that the defendant permitted the insurance to lapse on September 10, 1990. It does not advertise its service in Nebraska. It does not maintain equipment nor facilities in Nebraska. It does not have equipment for provision of service in Nebraska. The date of its last service under its certificate was March 13, 1990.

A review of the Commission's files substantiates the evidence supplied in the interrogatories that the defendant has indeed failed to supply evidence of insurance and has failed to purchase plates for any equipment.

From the evidence adduced and being fully informed in the premises, the Commission is of the opinion and finds that the complaint should be sustained and the certificate of public convenience and necessity held by R.C. Williams, Inc. should be revoked.

O R D E R

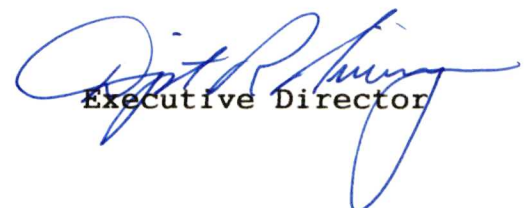
IT IS THEREFORE ORDERED, by the Nebraska Public Service Commission that Formal Complaint No. 1231 be, and it is hereby, sustained and the certificate of public convenience and necessity held by R.C. Williams, Inc. in Application No. M-9805, and supplements thereto be, and it is hereby, revoked and cancelled for willful failure to comply with §75-316, R.R.S. 1943, as amended, in that it suspended service without authority, and §75-307, R.R.S. 1943, as amended, in that it failed to provide evidence of insurance and §75-305, R.R.S. 1943, as amended, by failing to pay annual fees.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of April, 1991.

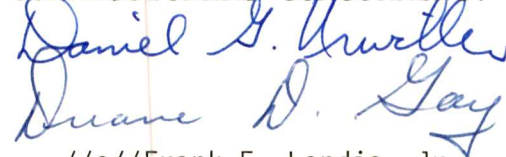

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST


Executive Director

COMMISSIONERS CONCURRING:

//s//Frank E. Landis, Jr.

//s//Eric Rasmussen