

NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Formal Complaint) FORMAL COMPLAINT NO. 1236
No. 1236 filed by Scott Anderson,)
Complainant,)
vs.) MOTION FOR REHEARING DISMISSED
Burlington Northern Railroad)
Company,)
Respondent.) ENTERED: November 24, 1992

BY THE COMMISSION:

OPINION AND FINDINGS

November 12, 1992, the Commission overruled respondent's special appearance filed herein. On November 23, 1992, respondent filed a motion for rehearing on its special appearance to reconsider its order overruling the special appearance. The Commission finds that its order overruling the special appearance is not a final order disposing of the issues raised by the complaint. A motion for rehearing is out of order and should be dismissed without argument or consideration. The issues raised by the special appearance may be preserved by answer and raised on appeal after the Commission has had an opportunity to hear the facts of the case and determine whether the issues raised by the facts fall under Commission jurisdiction or whether, after resolving all issues in favor of the complainant, the Commission must find that the facts and circumstances of the case develop issues which are clearly outside the Commission's jurisdiction.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the motion for rehearing filed herein by Burlington Northern Railroad Company be, and it is hereby, dismissed for the reasons recited in the foregoing findings.

MADE AND ENTERED at Lincoln, Nebraska this 24th day of November, 1992.

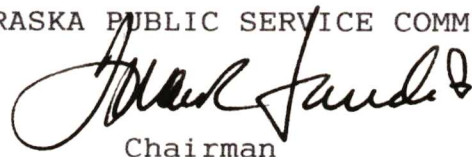
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s//Duane D. Gay
//s//James Munnelly
//s//Daniel G. Urwiller

COMMISSIONERS DISSENTING:

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


Chairman

ATTEST:


Executive Director

