

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Formal Complaint) FORMAL COMPLAINT NO. 1236
No. 1236 filed by Scott Anderson,)
Complainant,)
vs.) CEASE AND DESIST ORDER VACATED
Burlington Northern Railroad)
Company,)
Respondent.) ENTERED: FEBRUARY 16, 1993

BY THE COMMISSION:

OPINION AND FINDINGS

On February 2, 1993, this Commission ordered that the Burlington Northern Railroad Company cease and desist from operating remote control locomotive engine No. 604 at the Havelock Shops in Lincoln, Nebraska, until such time as the defects discovered during the course of an FRA inspection were corrected and the locomotive was brought into compliance with the federal regulations codified in 49 CFR 229.

On February 9, 1993, a follow-up inspection was conducted by FRA-certified PSC MPE Inspector Charles Faulder. At 7:40 a.m. that day the defects complained of were found by Inspector Faulder to have been remedied and the remote-controlled locomotive can be operated in compliance with the federal regulations cited in the cease and desist order of February 2, 1993.

Since the FRA infractions at issue have been corrected, and because the Commission's cease and desist order was limited only to operations in non-compliance with FRA regulations, the Commission now finds the cease and desist order of February 2, 1993, should be vacated.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that the cease and desist order against the Burlington Northern Railroad be, and it is hereby, vacated as the conditions which merited the issuance of the cease and desist order have been corrected and satisfied.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of February, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Daniel S. Unwille
Duane D. Gay

//s//Rod Johnson
//s//Frank E. Landis, Jr.
//s//James F. Munnelly

Frank Faulder
Chairman

ATTEST:

W. R. R. R.
Executive Director

