

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                               |   |                            |
|-------------------------------|---|----------------------------|
| In the Matter of the Nebraska | ) | Docket No. M-14221         |
| Public Service Commission, on | ) |                            |
| its own motion, seeking to    | ) |                            |
| revoke the Certificate of     | ) |                            |
| Public Convenience and        | ) | ORDER REVOKING CERTIFICATE |
| Necessity issued to A & A     | ) |                            |
| Landscaping, Columbus, in     | ) |                            |
| Certificate No. M-14221.      | ) |                            |
|                               | ) | Entered: June 25, 2019     |

BY THE COMMISSION:

O P I N I O N S   A N D   F I N D I N G S

The Nebraska Public Service Commission ("Commission"), on its own motion, is seeking revocation of the Certificate of Public Convenience and Necessity granted to A & A Landscaping, Columbus, in Certificate No. M-14221.

The Commission granted A & A Landscaping authority to operate and provide transportation of household goods within a 90-mile radius of Columbus, Nebraska, over irregular routes. A & A Landscaping was originally granted its authority on April 2, 2013.

Neb. Rev. Stat. § 75-305(1) requires all regulated motor carriers to pay an annual fee not exceeding eighty dollars (\$80) for each motor vehicle operated. Annual fees are due and payable to the Commission on or before January 1 and are delinquent March 1.<sup>1</sup>

A & A Landscaping failed to pay its annual renewal fee as required by § 75-305(1) and was therefore named a Respondent in a Department Complaint opened March 5, 2019.<sup>2</sup> Hearing on the

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<sup>1</sup> Neb. Rev. Stat. § 75-305(3).

<sup>2</sup> See Docket No. MCC-3196.01 *Jamie L. Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Lincoln, Nebraska, Complainant, v. Alpha Life Improvement Services; Bus at the Yard d/b/a Luxury Limousine; Caring Hearts Transportation; Reliance Medical Transportation LLC; Heartland Party Bus; Jason's Limousine Service; Kelly DeSive; National Health Transport; Nebraska Taxi, LLC; Ollie the Trolley; Tree City Cab Company; Wings of Love; A & A Landscaping; American Eagle Van Lines, Inc.; Blair Moving; Ford Storage & Moving Co.; Middle West Movers; Nebraska Transport Co., Inc.; and Smoldt Moving & Storage, Inc., Respondents* (opened March 5, 2019).

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Complaint was held April 23, 2019. No representative of A & A Landscaping appeared at the hearing.

A company representative signed for the certified letter containing notice of the Complaint against A & A Landscaping and the April 23, 2019 show cause hearing. No action was taken by any representative for A & A Landscaping to resolve the complaint, pay the annual fee, or to respond to the Department's communication attempts. Department staff recommended at the hearing that the Certificate of Public Convenience and Necessity held by A & A Landscaping be revoked and the carrier assessed a civil penalty of two-thousand, seven hundred dollars (\$2,700). The Commission entered an order on June 11, 2019 sustaining the Complaint against A & A Landscaping and adopting Department recommendations.<sup>3</sup> To date, there has been no response to Commission communications or Orders.

Based on the above, the Commission is of the opinion and finds that the authority granted to A & A Landscaping, Columbus, in Certificate M-14221 should be revoked for failure to comply with Neb. Rev. Stat. § 75-305(1). All PSC plates assigned to A & A Landscaping must be returned to the Commission within ten (10) days of the effective date of this Order. No subsequent applications for authority will be allowed until the above-mentioned civil penalty is satisfied.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity issued to A & A Landscaping, Columbus, in Certificate M-14221 be, and is hereby, revoked.

IT IS FURTHER ORDERED that all vehicle plates assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

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<sup>3</sup> See Docket MCC-3196.01, Order Dismissing in Part and Sustaining in Part, Entered June 11, 2019.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25<sup>th</sup>  
day of June, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Crystal Knudsen*

*Paula*

*David Hargrave*

*Tim Schram*

*Mary Riddis*

Chair

ATTEST:

Executive Director

*Michael H. S.*