

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter the Nebraska	)	Docket No. M-14229
Public Service Commission, on	)	
its own motion, seeking to	)	
require NST Holdings, LLC, d/b/a	)	
Aardvark Moving Company, Omaha,	)	ORDER REVOKING CERTIFICATE
to show cause as to why its	)	
Certificate of Public	)	
Convenience and Necessity should	)	
not be revoked.	)	Entered: August 27, 2019

BY THE COMMISSION:

On January 8, 2018, NST Holdings, LLC, d/b/a Aardvark Moving Company ("Aardvark"), Omaha, filed an application to suspend its authority until January 5, 2019. The Commission entered an order February 21, 2018, granting the suspension request. On January 3, 2019, Commission staff sent notice to Aardvark indicating the end of its approved suspension period. On or around January 18, 2019, Commission staff sent Aardvark a revocation form. At the end of the suspension period, Aardvark failed to either return the Certificate to compliance or to voluntarily cancel its Certificate.

On April 16, 2019, the Commission ordered Aardvark to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked for failure to keep a current Form E insurance filing and register its vehicles with the Commission.<sup>1</sup> On June 25, 2019, the Commission issued an order to reschedule the hearing for August 6, 2019 to ensure sufficient notice of the hearing.<sup>2</sup>

A show cause hearing was held August 6, 2019, in the Commission Hearing Room. Ms. Jamie Reyes and Mr. Dillon Keiffer-Johnson appeared on behalf of Commission staff. No one appeared on behalf of Aardvark.

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<sup>1</sup> See Docket No. M-14229 *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require NST Holdings, LLC, d/b/a Aardvark Moving Company, Omaha, to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked, Order to Show Cause and Schedule Hearing* (Entered April 16, 2019).

<sup>2</sup> See Docket No. M-14229 *In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to require NST Holdings, LLC, d/b/a Aardvark Moving Company, Omaha, to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked, Order Rescheduling Hearing* (Entered June 25, 2019).

## E V I D E N C E

Ms. Jamie Reyes, Director of the Motor Transportation Department, explained the Department's efforts to contact Aardvark prior to the ending of its suspension and after the suspension had officially ended.<sup>3</sup> She noted both formal and informal efforts to contact Aardvark went unanswered.<sup>4</sup> Ms. Reyes explained the department decided to send out its investigative staff in order to ascertain the status of the operations of Aardvark Moving.<sup>5</sup>

Mr. Glenn Elwell, Transportation Department Investigator, testified before the Commission. Mr. Elwell testified that as part of his responsibilities as an investigator, he was asked to look into the operational status of Aardvark.<sup>6</sup> Mr. Elwell stated on July 28, 2019, he researched Commission records in an attempt to locate an address or phone number associated with Aardvark that was not listed on their Certificate of Public Convenience and Necessity. He noted he was able to uncover an additional address and phone number for the company.<sup>7</sup>

Mr. Elwell testified he attempted to call the company, but the number had been disconnected. He explained he then traveled to Omaha, Nebraska, and checked two separate addresses listed for the company, on South 89<sup>th</sup> Street and J Street, in an effort to locate someone associated with Aardvark.<sup>8</sup> Mr. Elwell indicated that the South 89<sup>th</sup> Street building had been closed for business and there was nothing associated to Aardvark. As for the J Street address, Mr. Elwell explained that a different business operates currently within that location. He explained that the new company has been at that location for over a year. He further noted he made contact with the building manager, but was unable to obtain any more information regarding Aardvark Moving.<sup>9</sup>

Mr. Elwell testified that based on his investigation he concluded that Aardvark is not in business and is no longer operating as a moving company in the State of Nebraska.<sup>10</sup>

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<sup>3</sup> Hrg. Transcr. 7:11 - 7:17.

<sup>4</sup> *Id.* at 7:17 - 7:22.

<sup>5</sup> *Id.* at 7:23 - 8:3.

<sup>6</sup> *Id.* at 9:1 - 9:7.

<sup>7</sup> *Id.* at 9:11 - 9:25.

<sup>8</sup> *Id.* at 10:2 - 10:11.

<sup>9</sup> *Id.* at 10:14 - 11:10.

<sup>10</sup> *Id.* at 11:11 - 11:16.

At the conclusion of the hearing, Ms. Reyes reiterated Mr. Elwell's conclusions. Ms. Reyes recommended that, since the carrier made no affirmative steps to cancel its certificate or bring the certificate into compliance, the certificate for Aardvark should be revoked.

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

NST Holdings, LLC, d/b/a Aardvark Moving Company is a common carrier regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. Seq. (2018), § 75-301 et. Seq. (2018), and Title 291, NAC Ch. 3 of Commission Rules and Regulations.

Neb. Rev. Stat. § 75-315 states that certificates may be revoked after notice and hearing for willful failure to comply with Nebraska statutes governing the Commission, any Commission rule or regulation, or any term, conditions, or limitation of the certificate. All regulated motor carriers must comply with Commission Rule 006.01 and 006.02, which requires carriers to hold current motor carrier insurance with minimum amounts of coverage. A Form "E" - Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance must be filed with the Commission as proof of liability insurance.<sup>11</sup> Additionally, Commission Rule 004.02 requires all motor carriers to pay annual per-vehicle fees to the Commission each January in order to receive vehicle identification cards for each vehicle registered with the Commission.

Aardvark has not had current insurance or vehicles on file with the Commission for some time. Attempts were made to contact Aardvark several times prior to the entry of the April 16, 2019, Order to Show Cause. Aardvark was sent a copy of the April 16, 2019 Commission Order. Commission staff also attempted to contact Aardvark by phone and in person, without success. Finally, Aardvark did not appear at the August 6, 2019 hearing to show cause as to why its Certificate of Public Convenience and Necessity should not be revoked. Evidence and investigatory efforts by Commission staff indicate that the carrier is no longer in business; however, the carrier took no formal action to voluntarily cancel its Certificate with the Commission.

In consideration of the evidence presented, the Commission finds that NST Holdings, LLC, d/b/a Aardvark Moving Company, has violated Commission Rules 006.01, 006.02, and 006.03 for failure

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<sup>11</sup> Title 291, NAC Ch. 3, 006.03 and 006.03A (Dec. 2003).

APPLICATION NO. M-14229

Page 4

to maintain and file liability insurance coverage for its vehicles with the Commission, and Rule 004.02 for failure to pay its annual per-vehicle registration fees with the Commission. Based on the violations and the recommendation of Commission staff, the Commission further finds that the authority granted to NST Holdings, LLC, d/b/a Aardvark Moving Company in Application M-14229 should be revoked.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Certificate of Public Convenience and Necessity granted to NST Holdings, LLC, d/b/a Aardvark Moving Company, Omaha, in Application No. M-14229 be, and is hereby, revoked.

IT IS FURTHER ORDERED that the carrier revoked herein shall cease and desist providing service in the State of Nebraska as of the effective date of this Order. Any vehicle plates which have been assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 27<sup>th</sup> day of August, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Crystal Knudsen*  
*Pat [unclear]*  
*Don [unclear]*  
*Tim Schram*

*Mary R. [unclear]*

Chair

ATTEST:

*Shana [unclear]*

Deputy Director