

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Jamie L. Reyes,) Application No. DC-97
Director of the Motor)
Transportation Department of the)
Nebraska Public Service)
Commission,)
)
 Complainant,) ORDER GRANTING REQUEST FOR
V.) EXTENSION, IN PART
)
Burlington Northern Santa Fe.,)
)
 Respondent.)
)
) Filed: August 20, 2020

BY THE HEARING OFFICER:

On July 30, 2020, a Departmental Complaint was filed with the Nebraska Public Service Commission ("Commission") by Jamie L. Reyes, Director of the Motor Transportation Department, seeking a determination that Burlington Northern Santa Fe ("BNSF"), Fort Worth, Texas, blocked the North Road and Highway 2 crossing, in Grand Island, Nebraska, on approximately ten (10) different occasions between December 27, 2018 and February 4, 2020 in violation of Neb. Admin. Code, Title 291, Ch. 4, § 002.09D.

According to Neb. Admin. Code, Title 291, Ch. 1, § 004.02B1, the deadline set for a respondent to file an Answer to a Departmental Complaint is twenty (20) days after service of the complaint. On August 10, 2020, the Commission received the return receipt indicating service of the complaint had been completed on BNSF.

Pursuant to Neb. Admin. Code, Title 291, Ch. 1, § 002.02, in computing time prescribed by the Commission's Rules and Regulations, if the last day of the period falls on a Saturday, Sunday, or state holiday, the period would begin the next working day. Accordingly, the deadline for BNSF to file an answer was established as August 31, 2020.

On August 17, 2020, BNSF filed a motion for an extension of time to Answer the complaint. BNSF stated in its motion that further time is needed to investigate the allegations.

I find that BNSF's Motion for an extension of time to file an Answer should be granted, in part. Given the circumstances surrounding

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Docket Number DC-97

Page 2

the complaint, I believe an extension of ten (10) days is warranted. Therefore, I find that NCRC has until **September 10, 2020 at 3:00 p.m.**, to file an Answer in the above-captioned proceeding.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the motion by Burlington Northern Santa Fe for an extension of the deadline to file an Answer be, and is hereby, granted in part, and the deadline for filing an Answer is extended to **Thursday, September 10, 2020 at 3:00 p.m.**

MADE AND ENTERED at Lincoln, Nebraska this 20th day of August, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION



By: _____

Hearing Officer
Mary Ridder