

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Jamie L. Reyes,) Application No. DC-98
Director of the Motor)
Transportation Department of the)
Nebraska Public Service)
Commission,)
)
Complainant,) ORDER GRANTING REQUEST FOR
v.) EXTENSION
)
Union Pacific Railroad Company)
and Nebraska Central Railroad)
Company.,)
)
Respondent.) Filed: August 31, 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 Union Pacific Railroad Company ("UPRR") Omaha, Nebraska, blocked the crossings at Fourth and Seventh Street, Grand Island, Nebraska, on or around January 15, 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 6, 2020, the Commission received the return receipt indicating service of the complaint had been completed on UPRR. However, the return receipt did not indicate the "date of delivery." The delivery date was inferred using Neb. Admin. Code, Title 291, Ch. 1, §§ 002.02 and 002.06, and the deadline for UPRR to file an answer was established as August 24, 2020.

On August 14, 2020, UPRR filed a motion for a twenty (20) day extension of time to answer the Complaint. UPRR stated in its motion that counsel had recently been retained and further time was needed to investigate the allegations. On August 20, 2020, I issued a Hearing Officer Order granting UPRR's motion in part, granting a ten (10) day extension and establishing an answer deadline of September 3, 2020 at 3:00 p.m.

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On August 31, 2020, UPRR filed a motion for an additional fifteen (15) day extension of time to answer the Complaint. UPRR stated in its motion that the extension was sought due to the ongoing settlement negotiations between UPRR and the Complainant.

I find that UPRR's Motion for an additional extension of time to file an Answer should be granted. Given the ongoing settlement negotiations, I believe an extension of fifteen (15) days is warranted. Therefore, I find that UPRR has until **September 18, 2020 at 3:00 p.m.**, to file an Answer in the above-captioned proceeding.

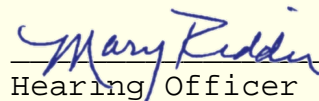
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the motion by Union Pacific Railroad Company, Omaha, Nebraska, for an extension of the deadline to file an Answer, be, and is hereby, granted and the deadline for filing an Answer is extended to **Friday, September 18, 2020 at 3:00 p.m.**

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 31st day of August, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

By:


Hearing Officer
Mary Ridder