

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) B-1441/PI-46
of the Public Service Commission,)
on its own motion, to conduct a) ORDER OPENING
departmental investigation of) DEPARTMENTAL
R&F Hobbies, Inc., d/b/a Prince) INVESTIGATION; ORDER
of the Road for alleged violations) SETTING HEARING
of Commission rules.)
) Entered: March 20, 2001

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission"), on its own motion, hereby opens this docket to conduct an investigation of allegations made that R&F Hobbies d/b/a Prince of the Road ("Prince of the Road") violated Commission rules and regulations properly promulgated under state law. In support of its motion, the Commission alleges and states as follows:

1. Prince of the Road is a regulated motor principally located in Ravenna, Nebraska.
2. The Commission has jurisdiction over the certification and regulation of motor carriers and their properties pursuant to Neb. Rev. Stat. § 75-301 et seq., and authority to investigate the violations alleged herein of state law and rules promulgated thereunder, pursuant to Neb. Rev. Stat. § 75-111.
3. In Application No. B-1441, Prince of the Road was given authority by this Commission for the "Transportation of passengers and their baggage by passenger van, and handicapped equipped passenger and cutaway vans between points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. The transportation services of passengers and their baggage originating within Lancaster county of groups of six (6) or less is not authorized."
4. On or about October 2, 2000, Mr. Robert Harrison, an investigator under the employ of the Commission and in the scope of his employment, filed a report with the Director of the Motor Transportation Department alleging the following:
 - a. Prince of the Road willfully operated beyond its scope of authority by providing transportation services between

points in Lancaster county, originating transportation services from Lincoln in vehicles carrying less than 7 persons, Nebraska, and providing transportation services in sedans.

- b. Specifically, on or about March 3, 2000, Prince of the Road knowingly and willfully instructed a driver to transport passenger(s) originating in Lincoln, by sedan, without the required signs or Commission plate. Prince of the Road was compensated for said services by the Health and Human Services of the State of Nebraska
 - c. On or about March 15, 2000, Prince of the Road provided transportation services for passengers outside the scope of its authority.
 - d. On or about March 22, 2000, Prince of the Road again provided transportation services for passengers outside the scope of its authority.
5. On February 8, 2001, an officer of Prince of the Road stated under oath at a proceeding (B-1259) before this Commission that Prince of the Road had been providing for hire transportation originating in Lancaster County with less than six (6) passengers in violation of its authority.
 6. On February 14, 2001, the Commission received a letter from Husker Cabs, Inc., requesting that the Commission investigate Prince of the Road to determine whether there had been any rule violation based on the statements made by Prince of the Road in the B-1259 hearing.
 7. Upon review of the allegations and evidence in support provided to the Commission through Mr. Harrison's report, and the evidence presented under oath at the hearing in B-1259, the Commission alleges that Prince of the Road has willfully violated Neb. Admin. R. & Regs. Title 291, Ch. 3, section 002.01 which provides in pertinent part:

Unless exempted by statute, a motor common or contract carrier of property or passengers shall not operate any motor vehicle for the transportation of property or passengers for

hire on any public highway in this state except in accordance with Chapter 75, articles 1 and 3 of the Nebraska statutes, as amended, and with the provisions of these rules. A motor common or contract carrier of property or passengers shall not operate upon any public highway without first having obtained from the commission a certificate or permit of authority. A motor common or contract carrier does not avoid the jurisdiction of the commission by engaging in a lease unless so provided for by commission rule 008. No carrier, without first obtaining commission approval shall. . . 002.01D Fail to confine its operations to those authorized under its certificate or permit. (Emphasis added.)

8. It is further alleged that Prince of the Road has willfully violated Neb. Admin. R. & Regs. Title 291, Ch. 3, section 002.03 which provides, "[m]otor carriers only under the circumstances described in 002.04 through 002.07 may deviate from their authorized routes without obtaining prior Commission approval."

WHEREFORE,

1. The Commission hereby opens this investigation and provides that Prince of the Road shall be allowed twenty days from the entry of this order to Answer to admit or deny each material allegation of this order entered.
2. That after the period for the filing of an Answer, the Commission shall proceed to hold a hearing for the purposes of investigating the allegations contained herein pursuant to Title 291, Ch. 1, Commission Rules of Procedure, Rule 012.01, 012.02 and 012.03.
3. If the Commission finds, as a result of this investigation and the investigative hearing, that Prince of the Road has violated the provision of any statute over which the Commission has jurisdiction, or any rule properly promulgated thereunder, the Commission may (a) proceed to a departmental compliant, (b) enter any order justified in the premises, or

Application No. B-1441/PI-46

Page 4

(c) upon a finding that the violation is proven by clear and convincing evidence, assess a civil penalty in an amount authorized pursuant to Neb. Rev. Stat. § 75-156 (Cum. Supp. 2000).

O R D E R

IT IS ORDERED that this docket be opened to investigate the allegations against Prince of the Road as contained herein.

IT IS FURTHER ORDERED that Prince of the Road be given a period of not more than twenty days from the entry of this order to file an Answer to the material allegations in the order entered.

IT IS FURTHER ORDERED that a hearing be scheduled for Wednesday, April 11, 2001, at 1:30 p.m.

MADE AND ENTERED in Lincoln, Nebraska on this 20th day of March, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lawrence J. Hansen
Ann C. Boyle

Frank E. Landis

//s//Frank E. Landis
//s//Daniel G. Urwiller

John S. Landis
Chairman

ATTEST:

And S. Pollack
Executive Director