

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Dale L Fahnholz and) FORMAL COMPLAINT NO. 1282
Ray L. Lineweber,)
)
Complainants,)
)
v.) DISMISSED
)
Burlington Northern)
Santa Fe Railroad,)
)
Defendant.) ENTERED: MARCH 20, 2001

BY THE COMMISSION:

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

On August 22, 2000, Dale L. Fahnholz and Ray L. Lineweber (Complainants), filed a formal complaint against Burlington Northern Santa Fe Railroad (Defendant), alleging that the defendant's actions requiring employees to deadhead as passengers of second locomotives caused continual exposure to unsafe and dangerous conditions.

Thereafter, on September 11, 2000, the Burlington Northern and Santa Fe Railway Company (BNSF), filed a special appearance objecting to the Commission's assertion of jurisdiction in this matter.

After several discussions between the Commission and the parties, the Complainants on March 16, 2001, requested that the formal complaint be withdrawn.

In light of the request, the Commission finds that the complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Formal Complaint No. 1282 be, and it is hereby, dismissed.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Francis Johnson
Ann C. Boyle

Tom Jander

Chairman

ATTEST:

Frank E. Landis

A. S. Pollock

Executive Director

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