

B

Williams

BEFORE THE NEBRASKA PUBLIC SERVICE
COMMISSION

In the Matter of:)	
)	
Wayne F. Rowe, Director)	SETTLEMENT
Transportation Department)	AND
Nebraska Public Service Commission))	FINAL ORDER:
Complainant,)	COMPLAINT 2942
)	DISMISSED AS
)	SATISFIED
vs.)	
)	
)	
ROBERT GARTNER dba WILLIAMS)	ENTERED: September 27, 1990	
TRANSFER & STORAGE 417 North)		
Shady Bend Road Grand Island,)		
NE, 68802)		
Defendant.)	

SETTLEMENT AGREEMENT

1. In the Matter of Wayne F. Rowe, Complainant versus Robert Gartner dba Williams Transfer & Storage, Defendant, the parties agree to enter into a Compromise Settlement Agreement as provided by Title 291, Chapter 1, Rule 027.05, in satisfaction of Complaint No. 2942 which was filed pursuant to Title 291, Commission Rules of Procedure Chapter 1, Rule 027.02B and Neb. Rev. Stat. §75-322.02 (1989 Reissue).

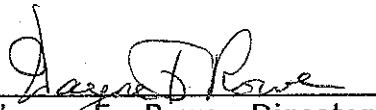
2. Participation in this Settlement Agreement does not constitute an admission by the Defendant of any of the allegations contained in the Complaint.


3. Defendant consents to the assessment of a civil penalty in the amount of four thousand dollars (\$4000.00) in satisfaction of the Complaint.

4. Included with this Settlement Agreement and Final Order is a money order or cashier's check remitted to the Commission in the agreed amount made payable to the Treasurer of the State of Nebraska which is to be held in the Commission's contingent liability account pending the issuance of a Final Order and which shall be transmitted to

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the Treasurer within thirty days of issuance of the Final Order.


Wayne F. Rowe, Director
Transportation Department
NPSC Transportation Dept.


Robert Gartner
Williams Transfer & Storage

BY THE COMMISSION:

OPINIONS AND FINDINGS

Upon the verified Complaint of Wayne F. Rowe against Robert Gartner dba Williams Transfer & Storage, the Nebraska Public Service Commission finds:

Defendant is a Motor Carrier not authorized to do business in the State of Nebraska as an intrastate common carrier. Upon Complaint filed by the Director of the Transportation Department, the Complainant and the Defendant reached an accord to satisfy said Complaint and presented to the Commission for its consideration a Settlement Agreement and a proper remittance in the amount of four thousand dollars (\$4000.00) for deposit in the Commission's contingent liability account pending final disposition.

The Commission finds the Settlement Agreement to be a just and proper remedy; Defendant should therefore be released from liability for the violations alleged in the Complaint.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Complaint No. 2942 filed against Robert Gartner dba Williams Transfer & Storage be dismissed as satisfied by the preceding Settlement Agreement and Defendant is hereby released from liability for the violations alleged in the Complaint, Defendant not having admitted to any of the allegations contained therein.

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IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the four thousand dollars (\$4000.00) remitted by the Defendant be transmitted to the Treasurer of the State of Nebraska for deposit in the permanent school fund within thirty days of the date of this Order.

MADE AND ENTERED at Lincoln, Nebraska this 27th day of September, 1990.

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller
Chairman

ATTEST:

[Signature]
Executive Director

COMMISSIONERS CONCURRING:

Duane D. Gay

//s//Frank E. Landis, Jr.
//s//James Munnelly
//s//Eric Rasmussen
//s//Daniel G. Urwiller

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

