## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re:

Wayne F. Rowe, Director

Transportation Department

Nebraska Public Service Commission

Complainant,

) DE

vs.

COMPLAINT NO. 2944

VD.

BILL REID dba A&B MOVERS 1621 W. Garfield, Lincoln, NE, 68522

Defendant.

FILED

MAY 21 1991

EXECUTIVE DIRECTOR NEBRASKA PUBLIC SERVICE

Wayne F. Rowe, pursuant to Section 75-32200020SSIENR.S. 1943, (Reissue 1990) for complaint against Bill Reid dba A&B Movers ("Defendant") alleges:

- Complainant is the Director of the Transportation Public Department of the Nebraska Service ("Commission") is custodian of the Transportation and Department's Records and Documents.
- 2. Defendant Bill Reid dba A&B Movers is a motor carrier doing for-hire intrastate carriage in Nebraska. Examination of the Commission's records and documents shows Defendant does not have authority either by certificate or permit to conduct for-hire intrastate carriage, nor is Defendant leased to any regulated intrastate motor carrier with the requisite authority.
- 3. On or about November 1, 1990 Inspector Robert W. Harrison learned that Defendant completed an intrastate movement of household goods without authority.
- 4. On or about November 6, 1990 Inspector Harrison secured a copy of the cancelled check used to pay Defendant in part for the intrastate movement in question.
- 5. On November 9, 1990 Inspector Harrison secured a copy of the truck rental agreement from the equipment rental company whose equipment was leased by Defendant to complete the movement.
- 6. Defendant willfully violated Nebraska statutes and the Commission's rules and regulations by shipping Household Goods in Nebraska intrastate commerce for compensation without a certificate or permit of authority.

Defendant's shipment of Household Goods was a violation of: (1) § 75-309, R.R.S. 1943, as amended, for operating as a

common carrier without a certificate of authority having been prescribed by the Commission; and, because the amount of compensation did not conform to the tariff established for household goods movements, Defendant also violated (2) Household Goods Tariff 7-D, prescribed by the Commission pursuant to §75-124 and §75-308; and (3) §75-126(1)(e) which states: ". . . no common carrier shall (e) Demand, charge, or collect, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission."

Further, Defendant, as an intrastate common carrier, violated §75-307 for failing to file proof of liability insurance with the Commission and violated §75-305 for failing the pay the annual registration fee required of intrastate common carriers.

WHEREFORE, Complainant prays the Commission: (a) serve the Defendant with a copy of this complaint, (b) enter an order fixing a time for hearing, (c) serve proper notice of said date and, after hearing, (d) enter an order levying a civil penalty against the Defendant pursuant to Section 75-322.02 and Title 291, Chapter 1, Rule 027.02B in an amount not less than two thousand and five hundred dollars (\$2500.00) and any other order the Commission deems appropriate and which is within its jurisdiction to render including, but not limited to, an order that the Defendant cease and desist from operating without authority.

Wayne F Rowe, Director

NPSC Transportation Department

Goltz

Esq.

Jeffier F.) Goltz #18 Legal Counsel, NPSC

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original complaint above was served on Defenant Bill Reid dba A&B Movers, 1621 Garfield, Lincoln, NE, 68522, by certified mail, return receipt requested, this 21st day of May, 1991.