

Settlement Agreement  
Departmental Complaint No. 3015

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In Re:	)	
	)	
Wayne F. Rowe, Director	)	
Transportation Department	)	Settlement
Nebraska Public Service Commission)	)	and
Complainant,	)	Final Order:
	)	Complaint No. 3015
vs.	)	Dismissed as Satisfied
	)	
JAMES A. SCHMIT and SCHMIT	)	
TRUCKING, INC., P.O. BOX 391,	)	
OSMOND, NE 68765	)	
Defendants.	)	

SETTLEMENT AGREEMENT

1. In the matter of Complainant Wayne F. Rowe versus Defendants James A. Schmit and Schmit Trucking, Inc., the parties agree to a compromise and settlement agreement as permitted by Title 291, Ch. 1, Rule 027.05 which satisfies departmental complaint 3015.

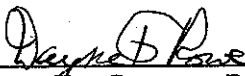
2. Participation in this agreement does not constitute an admission by the Defendant of any of the allegations contained in the complaint.

3. Defendant consents to the assessment of a civil penalty in the amount of five hundred dollars (\$500.00) in satisfaction of the complaint. Defendant's acceptance of this agreement is made by the signed document attached to this order and hereby incorporated by reference.

4. Included in this agreement and final order is a money order or cashier's check remitted to the Commission in the agreed to amount. These funds shall be deposited in the Commission's contingent liability account pending the issuance of the final order and shall then be transferred to the Treasurer within thirty (30) days of issuance of the final order.

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Wayne F. Rowe, Director  
Transportation Department  
NPSC

BY THE COMMISSION:

OPINION AND FINDINGS

Upon the verified complaint of Wayne F. Rowe against James A. Schmit and Schmit Trucking, Inc., the Nebraska Public Service Commission finds:

Defendants are a motor carrier not authorized to do business in Nebraska as an intrastate common carrier. After a complaint was filed by the Director of the Commission's Transportation Department, the Complainant and Defendant reached an agreement to satisfy the complaint and presented to the Commission a settlement agreement and remittance in the amount of five hundred dollars (\$500.00) 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 to this complaint. Defendants should therefore be released from liability for the violations alleged in the complaint.

O R D E R

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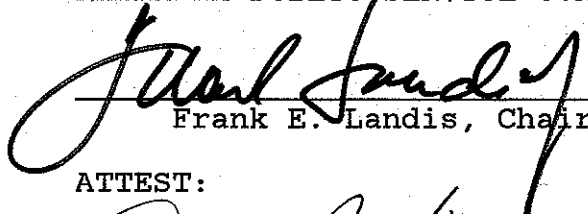
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IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that departmental complaint 3015 filed against James A. Schmit and Schmit Trucking, Inc. is dismissed as satisfied by the settlement agreement between the parties. Defendants are hereby released from liability for the violations alleged in the complaint, Defendants not having admitted to any of the allegations contained therein.

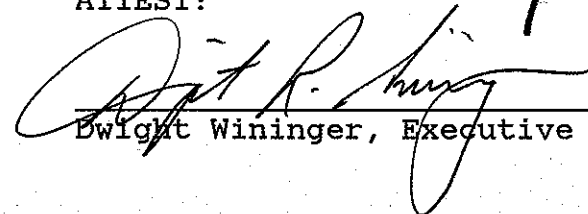
IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the five hundred dollars (\$500.00) remitted by the Defendants be transferred to the Treasurer of the State of Nebraska for deposit in the permanent school fund within thirty days of the date of this order.

MADE AND ENTERED at Lincoln, Nebraska this 9th day of July, 1991

NEBRASKA PUBLIC SERVICE COMMISSION

  
Frank E. Landis, Jr., Chairman

ATTEST:

  
Dwight Wininger, Executive Director

COMMISSIONERS CONCURRING:

//s//Frank E. Landis, Jr.  
//s//James F. Munnelly  
//s//Eric Rasmussen

