

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

ENTERED: JANUARY 10, 1994

OPINION AND FINDINGS

The Commission's patience has run its course in this case. The defendant's original fine of \$4,500 entered on March 10, 1992, was for making three illegal shipments of household goods. The defendant was subsequently granted probation which suspended the fine unless and until defendant made a subsequent illegal movement. Six months after probation was granted, the defendant made another illegal movement. The defendant was fined \$500 after a complaint was subsequently filed on that movement and never paid the fine. Thereafter, the Commission of its own volition further reduced the defendant's total fines of \$5,000 to \$2,000, representing four individual \$500 fines on each of the previous four counts upon which defendant was found guilty. (An additional \$500 fine was assessed for disobeying the Commission's probation order of April 7, 1992.) Then, on October 13, 1993, the

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Commission further amended its order to allow the defendant to make payments of \$200 per month on the total \$2,500 fine. The request to make payments and the proposed terms were suggested by the defendant himself. Now, as the defendant fails to live up to his own proffered terms, he seeks additional reprieve, suggesting that he can pay the total fine off in two or three months after April 1 of this year.

Based upon the record in this ongoing docket, the Commission has no reason to believe that the defendant's representations are either possible or true. The only power conveyed upon the Commission by the Legislature to enforce the motor carrier statutes violated under the circumstances of this case is the assessment of a civil penalty. Therefore, it is the Commission's opinion upon the evidence adduced at hearing, that the defendant is in violation of the Commission's order of October 13, 1993, and should be found in contempt of said order, and that the outstanding fine balance of \$2,400, taking into consideration the \$100 payment made at the hearing, should be declared immediately due and owing, and that this case merits no further lenience or mitigation with respect to the defendant.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that defendant, Bill Reid, dba A & B Movers, be, and is hereby, found in contempt of the Commission's order of October 13, 1993, and that the outstanding fine balance of \$2,400 be, and is hereby, declared immediately due and owing as a result of defendant's default.

IT IS FURTHER ORDERED that defendant pay the entire balance of his \$2,400.00 fine, and if said fine is not paid in full, the unpaid fine shall constitute a debt to the State of Nebraska and shall be collected in the manner provided for in Neb. Rev. Stat. Section 75-322.04, as amended, in the District Court of Lancaster County.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of January, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

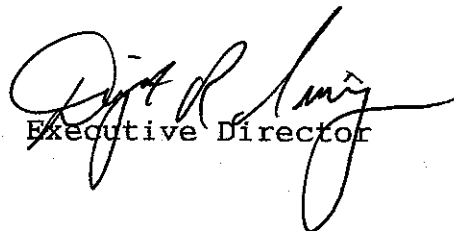
//s//Rod Johnson
//s//Frank E. Landis, Jr.
//s//Daniel G. Urwiller


Chairman

COMMISSIONERS DISSENTING:

//s//Duane D. Gay
//s//James F. Munnelly

ATTEST:


Executive Director