

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

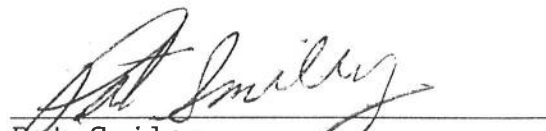
In re Robert R. Logsdon, Director of)	MOTOR CARRIER
the Nebraska Public Service Commission)	COMPLAINT
Transportation Department,)	MCC-3067
Complainant,)	
vs.)	DISMISSED AS SATISFIED
)	
P & M Moving and Capitol Enterprises,)	
Inc. (M-13366),)	
Defendants.)	ENTERED: DECEMBER 22, 1992

SETTLEMENT AGREEMENT

1. In the matter of complainant Robert R. Logsdon versus defendants P & M Moving and Capitol Enterprises, Inc., the parties agree to a compromise and settlement agreement (as provided by Title 291, Chapter 1, Rule 027.05 of the Commission Rules) which will satisfy Motor Carrier Complaint No. 3067.
2. Participation in this agreement does not constitute an admission by the defendants of any of the allegations contained in the complaint.
3. The defendants consent to the assessment of a civil penalty in the amount of five hundred dollars (\$500.00) in satisfaction of the complaint. Said penalty is to be payable in installments with the full balance of \$500.00 due and owing on May 1, 1993.
4. All payments shall be made by a money order or cashier's check remitted to the Commission and made payable to the Treasurer of the State of Nebraska. 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 receipt of each installment payment.

Signed and dated this 16 day of December, 1992.


Robert R. Logsdon, Director
NPSC Transportation Dept.


Pat Smiley
P & M Moving and Capitol
Enterprises, Inc.

MOTOR CARRIER COMPLAINT NO. 3067

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BY THE COMMISSION:

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

Upon the verified complaint of Robert R. Logsdon, Complainant, against P & M Moving and Capitol Enterprises, Inc., Defendants, the Nebraska Public Service Commission finds as follows:

1. The defendants are motor carriers with restricted authority to conduct for-hire intrastate common and contract carriage in Nebraska. After a complaint was filed by the Director of the Public Service Commission's Transportation Department, both the complainant and defendants reached an agreement to satisfy the complaint and presented to the Commission a settlement agreement in the amount of five hundred dollars (\$500.00) for deposit in the Commission's contingent liability account, pending final disposition.

2. The Commission finds the settlement agreement to be a just and proper remedy to this complaint. The defendants should, therefore, be released from further liability for the violations alleged in the complaint. However, if defendants, either or both of them, fail to pay the civil penalty in full by May 1, 1993, the Commission reserves its right to take further action against the defendants to collect the debt due and owing by them to the State of Nebraska.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. 3067 filed against P & M Moving and Capitol Enterprises, Inc. be dismissed as satisfied by the settlement agreement between the parties. The defendants are hereby released from liability for the violations alleged in the complaint, having not admitted to any of the allegations contained therein, contingent upon full payment of the civil penalty assessed herein.

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 (30) days of the receipt of each installment payment, with the balance to paid in full on or before May 1, 1993.

MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of December, 1992.

COMMISSIONERS CONCURRING:

Daniel G. Mueller
Duane D. Gay

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

NEBRASKA PUBLIC SERVICE COMMISSION

Frank E. Landis, Jr.
Chairman

ATTEST:

Eric Rasmussen
Executive Director