

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director )  
of the Nebraska Public Service )  
Commission Transportation )  
Department, )

MOTOR CARRIER  
COMPLAINT  
MCC-3068

Complainant, )

vs. )

Special Dispatch of Omaha, Inc. )  
(M-13005) 14959 Grover, Omaha, )  
Nebraska, )

Defendant. )

FILED

NOV 30 1992

EXECUTIVE DIRECTOR  
NEBRASKA PUBLIC SERVICE  
COMMISSION

COMES NOW Robert R. Logsdon, complainant in the above-captioned cause, pursuant to Neb. Rev. Stat. Section 75-322.02 (1990 Reissue), and for complaint against Special Dispatch, defendant, alleges as follows:

1. Complainant is the Director of the Transportation Department of the Nebraska Public Service Commission (Commission) and is the custodian of the Commission's Motor Transportation Department documents and records.

2. Defendant, Special Dispatch, is a motor carrier conducting for-hire intrastate carriage in the State of Nebraska. The Commission records and documents show that the defendant has a permit of authority issued from the Commission to operate as a contract carrier as follows:

Paper, paper products, cardboard, cardboard products, boxes, and packaging material as used in the conduct and operation of Crown Packaging Corporation's business between its warehouse in Omaha and all points in Nebraska within a 150-mile radius of Omaha over irregular routes under continuing contract(s) with Crown Packaging Corporation. SUPP. NO. 1: Medical and hospital supplies (not to include blood, plasma, or laboratory specimens) between points in Nebraska over irregular routes under continuing contract(s) with Abbott Laboratories. SUPP NO. 2: General commodities (except those requiring special equipment) between points within a 200-mile radius of Omaha over irregular routes under continuing contracts with Bennett Business Forms, Air Management Supply, Inc., and Central Mattress, Inc.


3. On or about April 14, 1992, defendant violated Section 75-309 of the Nebraska Statutes, as amended, for operating as a common carrier without a certificate of authority having been issued by the Commission by shipping 566 pounds of labels from Industrial Label in Omaha to Armour Foods in Hastings, Nebraska, for a fee of \$155.

4. On or about April 14, 1992, defendant violated Section 75-126(1)(e) of the Nebraska Statutes, as amended, for demanding, charging or collecting, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the Commission. Specifically, the shipment from Industrial Label in Omaha to Armour Foods in Hastings on said date resulted in an overcharge to the shipper of \$96.82.

WHEREFORE, complainant prays the Commission for an order levying a civil penalty against the defendant pursuant to Neb. Rev. Stat. Section 75-322.02, as amended, and Title 291, Chapter 1, Rule 027.02 of the Commission's rules in an amount not less than three hundred dollars (\$300.00) 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 defendants cease and desist from operating without authority and from failing to obey the terms of the applicable tariffs.

DATED this 30th day of November, 1992.

  
Robert R. Logsdon  
Complainant  
NPSC Transportation Department

  
Mark A. Ludwig #19207  
Attorney for Complainant  
P.O. Box 94927  
Lincoln, NE 68509  
(402) 471-3101

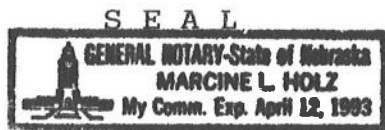
VERIFICATION

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF LANCASTER )

Robert R. Logsdon, being first duly sworn on oath, deposes and says that he is the duly appointed and qualified Director of the Transportation Department of the Nebraska Public Service Commission; that he is the Complainant in the foregoing pleading; that he has read the allegations contained therein and understands them to be true to the best of his knowledge and belief.

  
Robert R. Logsdon, Complainant

Subscribed and sworn to before me this 30th day of November, 1992.



Marcine L. Holz  
Notary Public

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing complaint was served on the defendant, Special Dispatch of Omaha, Inc., 14959 Grover, P.O. Box 37541, Omaha, Nebraska, 68137, by certified mail, return receipt requested, this 30th day of November, 1992.

Mark A. Ludwig  
Mark A. Ludwig

#### NOTICE

1. Pursuant to Title 291, Ch. 1, Rule 027.03A(5), defendant is hereby notified that the Commission will set a hearing date for this complaint and give notice to the defendant of said date and location of the hearing. Defendant is further notified that failure to file an answer to this complaint within twenty (20) days from the date of service will be construed as an admission of the allegations stated therein.
2. Failure by the defendant to file an answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty as provided for by law, or (b) to proceed with the hearing and receive evidence of the alleged violation(s) and thereby assess civil penalties as provided for by law.
3. Upon failure to pay any civil penalty determined by the Commission, such civil penalty unpaid shall constitute a debt to the State of Nebraska and be collectible by civil action in the District Court of Lancaster County, Nebraska.