BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director of the Nebraska Public Service Commission Transportation Department,) MOTOR CARRIER) COMPLAINT) MCC-3069
Complainant, vs.	
Bill Reid, dba A & B Movers,) JAN 14 1993
Defendant.	j EXECUTAVE DIFFERENCE
	AEDNASKA PUTKI CITTALĘ

COMES NOW Robert R. Logsdon, complainant in the above-captioned cause, pursuant to <u>Neb. Rev. Stat.</u> Section 75-322.02 (1990 Reissue), and for complaint against Bill Reid, dba A & B Movers, 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 is a motor carrier based in Lincoln, Nebraska, conducting for-hire intrastate carriage of household goods in the State of Nebraska. Examination of the Transportation Department's documents and records reveals that 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. The defendant willfully violated the Nebraska statutes and rules and regulations of the Nebraska Public Service Commission by shipping household goods in Nebraska intrastate commerce for compensation and outside the five-mile radius exemption without a certificate or permit of authority, to wit:

On or about December 21, 1992, defendant, Bill Reid, dba A & B Movers, completed an intrastate movement of household goods without authority by transporting said goods from the location of Lincoln, Nebraska, to Broken Bow, Nebraska. The defendant was paid \$600.00 by check and an additional \$100.00 cash for the movement complained of. The Rider truck was rented by the moving party, Cheryl Pollard; however, the defendant and defendant's crew had physical control of the equipment at all times, including loading and unloading of the truck and the transportation to and from Broken Bow, Nebraska. Defendant further made all rental arrangements for the truck prior to the movement and returned the truck upon completion of the movement without any assistance from the moving party.

- 4. Defendant's shipment of household goods was in violation of Neb. Rev. Stat. Section 75-309, as amended, for operating as a common carrier without a certificate of authority issued by the Public Service Commission.
- 5. Defendant also violated Neb. Rev. Stat. Sections 75-124, 75-308, and 75-126(1)(e) for nonconformance in charging the applicable tariff rate established for intrastate household goods movements; and defendant violated Section 75-307 of the statutes for failing to file proof of liability insurance with the Commission.

WHEREFORE, complainant prays the Commission for an order levying a civil penalty against the defendant pursuant to Section 75-322.02 and Title 291, Chapter 1, Rule 027.02, in an amount not less than \$500.00 and any other order the Commission deems appropriate and within its jurisdiction to render.

DATED this 14th day of January, 1993.

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)
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 Hth day of January, 1993.

S E A L

A GENERAL NOTARY-State of Nebraska

MARCINE L. HOLZ

My Comm. Exp. April 12, 1993

Notary Public S