

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director )  
of the Nebraska Public Service )  
Commission Transportation )  
Department, )  
Complainant, )  
vs. )  
Bill Reid, dba A & B Movers, )  
Defendant. )

MOTOR CARRIER  
COMPLAINT  
MCC-3069

FILED

MAR 1 1993

EXECUTIVE DIRECTOR  
NEBRASKA PUBLIC SERVICE  
COMMISSION

FIRST AMENDED COMPLAINT

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 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 October 14-15, 1992, defendant, Bill Reid, dba A & B Movers, completed an intrastate movement of household goods without authority by transporting a piano from Salem, Nebraska, to Lincoln, Nebraska. The defendant was paid \$385.00 by a check drawn on the account of C.D.H. Investors through the FirstTier Bank and signed by Gretchen E. Cooper. The vehicle used was a Ryder rental truck rented and operated by the defendant. The defendant also attempted to charge Gretchen E. Cooper, the client, sales tax for the movement but Ms. Cooper refused.

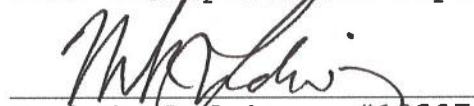
4. Defendant's shipment of household goods was in violation of Neb. Rev. Stat. Section 75-309, as amended, for operating as a common carrier without a certificate of authority issued by the Public Service Commission.

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 1<sup>st</sup> day of ~~February~~ March, 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

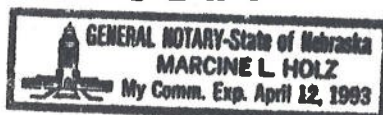
STATE OF NEBRASKA     )  
                                          ) ss.  
COUNTY OF LANCASTER )

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 1<sup>st</sup> day of March, 1993.

S E A L



  
Notary Public