

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director)
of the Nebraska Public Service)
Commission Transportation)
Department,)
Complainant,)
vs.)
Bruce Branigan, dba U-Call/We-Haul,)
Lincoln, Nebraska,)
Defendant.)

MOTOR CARRIER
COMPLAINT
MCC-3070

FILED

JAN 15 1993

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 Bruce Branigan, dba U-Call/We-Haul, 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, Bruce Branigan, dba U-Call/We-Haul, is a motor carrier conducting for-hire intrastate carriage of household goods in the State of Nebraska. Examination of the Transportation Department's records and documents 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 the rules and regulations of the Nebraska Public Service Commission by shipping household goods in Nebraska intrastate commerce for compensation without a certificate or permit of authority, to wit:

On or about December 31, 1992, defendant transported household goods without authority from the location of 1631 J Street, Lincoln, Nebraska, to 145th & I Circle, Omaha, Nebraska. The defendant was paid \$200.00 for the movement but did not finish moving all the household items of the moving party. The original estimate for the job quoted by defendant was \$400.00.

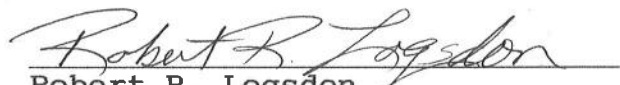
4. On or about February 26, 1991, defendant, Bruce Branigan, was contacted by Motor Carrier Inspector Robert Harrison and Rate Auditor Rob Logsdon and informed at that time that he could not move household goods in Nebraska intrastate commerce beyond the five-mile exemption provided for in Neb. Rev. Stat. Section 75-303(4) unless he obtained a certificate of authority from the Commission.


5. Defendant's shipment of household goods on December 31, 1992, complained of, supra, 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.

6. 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 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 five hundred dollars (\$500.00) 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 defendant cease and desist from further operating without authority in Nebraska intrastate commerce.

DATED this 14th day of January, 1993.


Robert R. Logsdon
Complainant
NPSC Transportation Department


Mark A. Ludwig #19207
Attorney for Complainant
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(402) 471-3101

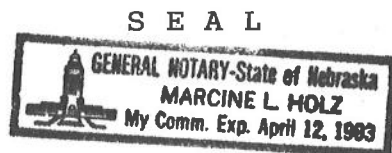
VERIFICATION

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 14th day of January, 1993.




Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing complaint was served on the defendant, Bruce Branigan, U-Call/We-Haul, 1224 W. Park Avenue, Lincoln, Nebraska, 68522, by certified mail, return receipt requested, this 15th day of January, 1993.



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.