

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director of	)	MOTOR CARRIER
the Nebraska Public Service Commission	)	COMPLAINT
Transportation Department,	)	MCC-3071
Complainant,	)	
vs.	)	DISMISSED AS SATISFIED
	)	
Capital Express, Inc. (M-13867)	)	
	)	
Defendant.	)	ENTERED: March 22, 1993

SETTLEMENT AGREEMENT

1. In the matter of complainant Robert R. Logsdon versus defendant Capital Express, 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. 3071.

2. Participation in this agreement does not constitute an admission by the defendant of any of the allegations contained in the complaint.

3. The defendant consents to the assessment of a civil penalty in the amount of seven hundred and fifty dollars (\$750.00) in satisfaction of the complaint.


4. Included in this agreement and final order is a money order or cashier's check remitted to the Commission in the agreed amount 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 issuance of the final order.

Signed and dated this 15th day of March, 1993.

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MOTOR TRANSPORTATION  
COMMISSION

  
Robert R. Logsdon, Director  
NPSC Transportation Dept.

  
for Capital Express, Inc.

MOTOR CARRIER COMPLAINT NO. 3071

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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 Capital Express, Inc., Defendant, the Nebraska Public Service Commission finds as follows:

1. The defendant is a contract carrier not authorized to conduct common carriage operations in Nebraska intrastate commerce. After a complaint was filed by the Director of the Public Service Commission's Transportation Department, both the complainant and defendant reached an agreement to satisfy the complaint and presented to the Commission a settlement agreement in the amount of seven hundred and fifty dollars (\$750.00) 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 defendant should, therefore, be released from further liability for the violation(s) alleged in the complaint.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. 3071 filed against Capital Express, Inc. be dismissed as satisfied by the settlement agreement between the parties. The defendant is hereby released from liability for the violations alleged in the complaint, having not admitted to any of the allegations contained therein.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the seven hundred and fifty dollars (\$750.00) remitted by the defendant be transferred to the Treasurer of the State of Nebraska for deposit in the permanent school fund within thirty (30) days of the date of this order.

MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of March, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Duane D. Gay*

//s//Rod Johnson

//s//Daniel G. Urwiller

*Daniel G. Urwiller*

Vice Chairman

ATTEST:

*John Burdick*  
Acting Executive Director