

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director)	
of the Nebraska Public Service)	MOTOR CARRIER
Commission Transportation)	COMPLAINT
Department,)	MCC-3081
Complainant,)	
vs.)	
)	
Northland Transportation, Inc.,)	
Laurel, Nebraska, (M-13196))	
)	
Defendant.)	

FILED

MAY 20 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 Northland Transportation, Inc., 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, Northland Transportation, Inc. (Northland), is a motor carrier conducting for-hire intrastate transportation of property in the State of Nebraska. Examination of the Transportation Department's records and documents reveals that defendant possesses the following certificate and permit of authority issued from this Commission:

Fly ash from points in Hall and Lincoln counties to points in Nebraska over irregular routes. SUPP. 1: Dry fertilizer between points in Nebraska over irregular routes. SUPP. 4: Contract carriage in the transportation of fertilizers from the facilities of Farmland Industries at or near Hastings and at or near Beatrice to points within a 25-mile radius of Wilcox for the account of Wilcox Cooperative Association.

3. The defendant willfully violated the Nebraska statutes and and rules and regulations of the Commission by transporting feed ingredients, specifically phosphoric acid, on or about October 15, 1992, for Harvest States Cooperatives-GTA Feeds from the Texas Gulf facility at Weeping Water, Nebraska, to NORCO in Norfolk, Nebraska, the consignee. Payment for the October 15 movement was made by GTA Feeds to Northland Transportation in the amount of \$384.30.

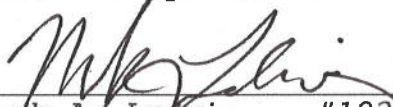
5. Defendant, Northland, does not possess intrastate authority to transport feed ingredients in Nebraska, nor was defendant at the time of offense complained of above leased to any certificated carrier with the requisite authority.

6. Defendant's shipment of feed ingredients for hire was in violation of Neb. Rev. Stat. Section 75-309, as amended, for operating as a common or contract carrier without a certificate or permit of authority issued by the Commission authorizing such operations.

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 exceeding the scope of his certificated and permitted authority.

DATED this 14th day of May, 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

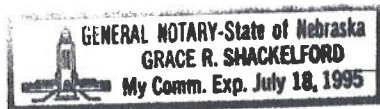
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)


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 14th day of May, 1993.

S E A L




Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing complaint was served on the defendant, Northland Transportation, Inc., 120 E. 2nd Street, Laurel, Nebraska, 68745, by certified mail, return receipt requested, this 20th day of May, 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.