

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director)	MOTOR CARRIER COMPLAINT
of the Nebraska Public Service)	MCC-3083
Commission Transportation)	
Department,)	
)	
Complainant,)	
vs.)	ORDER TO DISMISS
)	
Rite Way Milk, Inc., Holdrege,)	
Nebraska,)	
)	
Defendant.)	ENTERED: NOVEMBER 9, 1993

BY THE COMMISSION:

OPINION AND FINDINGS

On July 29, 1993, Robert R. Logsdon, Director of the NPSC Transportation Department, hereinafter referred to as complainant, filed a motor carrier complaint docketed MCC-3083 against defendant, Rite Way Milk, Inc., Holdrege, Nebraska.

On November 5, 1993, complainant filed a motion to dismiss the complaint for the reason that the illegal movement complained of in complainant's petition was of an interstate, and not intrastate, nature. Such determination was made on the basis of the ICC's policy statement ruling in Ex Parte No. MC-207 decided on April 27, 1992.

After due consideration of the motion and being fully advised in the premises, the Commission is of the opinion and finds that complainant's motion should be granted and Motor Carrier Complaint MCC-3083 should be dismissed.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that complainant's motion to dismiss be, and it is hereby, granted.

IT IS FURTHER ORDERED that Motor Carrier Complaint No. MCC-3083 be, and it is hereby, dismissed at complainant's request.

IT IS FURTHER ORDERED that no further hearing be had in this matter.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of November, 1993.

COMMISSIONERS CONCURRING:

Duane D. Gay

//s//Rod Johnson

//s//James F. Munnely

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller
Vice Chairman

ATTEST:

Doris R. King
Executive Director