

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director)
of the Nebraska Public Service)
Commission Transportation)
Department,)

MOTOR CARRIER
COMPLAINT
MCC-3084

Complainant,)
vs.)

Bruce Branigan, dba You-Call/
We-Haul, Lincoln, Nebraska,)

Defendant.)

FILED

AUG 16 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 You-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 You-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. On January 15, 1993, the Transportation Department filed a complaint against defendant for transporting household goods without authority from Lincoln to Omaha, Nebraska. On April 19, 1993, following a hearing had on March 22, 1993, the Commission entered an order and judgment against defendant finding that defendant did violate the Motor Carrier Act and consequently assessed a civil penalty in the amount of \$500 against the defendant and further ordered that the defendant cease and desist from all further operations in the intrastate transportation of property for hire without the proper authority.

4. The defendant willfully violated the Nebraska statutes and the rules and regulations of the Commission by again shipping household goods in Nebraska intrastate commerce for compensation without certificate or permit of authority, to wit:

On or about July 7, 1993, defendant transported household goods without authority from Omaha, Nebraska, to 312 Park Vista in Lincoln, Nebraska, and was paid approximately \$180.00 for said movement.


5. Defendant's shipment of a regulated commodity on the date alleged above 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 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 16th day of August, 1993.

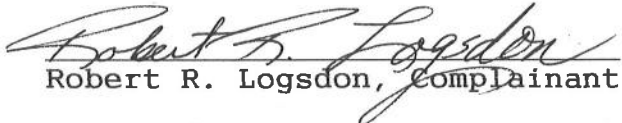

Robert R. Logsdon
Complainant
NPSC Transportation Department


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VERIFICATION

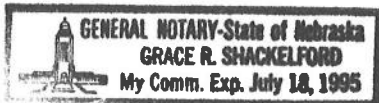
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

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 16th day of August, 1993.

S E A L




Notary Public