

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

MOTOR CARRIER
COMPLAINT
MCC-3086

Complainant,)

vs.)

Seger Grain, Inc., Atkinson,)
Nebraska, (M-13946),)

Defendant.)

FILED

NOV 3 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 Seger Grain, 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, Seger Grain, Inc. (Seger), operates as 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 of authority issued from this Commission on August 30, 1993:

Dry and liquid fertilizer by tank trailer and hopper bottom trailer between the facilities of VanHouten Fertilizer, Inc. in Springview and Ag Services in Emmet and Page on the one hand, and, on the other, points in Nebraska over irregular routes.

3. The defendant willfully violated the the Nebraska statutes and rules and regulations of the Commission by transporting rock on or about September 2, 1993, for NSG Transport, Inc. of Gothenburg, Nebraska. The load originated from the Kerford Limestone Company near Weeping Water, Nebraska, and was destined for a road job near Amherst, Nebraska. The defendant billed the consignee \$178.51 for the movement.

4. Defendant, Seger, does not possess intrastate authority to transport rock in Nebraska, nor was defendant at the time of the offense complained of above leased to any certificated carrier with the requisite authority or single-source leased to any shipper lessee.


5. On or about January 21, 1993, a Seger Grain truck was issued a warning from a Commission inspector for transporting fertilizer without authority in Nebraska intrastate commerce. A warning letter was thereafter issued by the PSC Transportation Department on or about May 17, 1993, warning defendant that it must have authority from the Commission before transporting regulated commodities for hire point to point within the state of Nebraska. At that time, defendant was

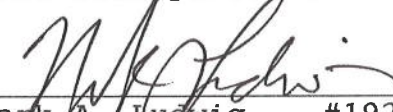
advised to cease and desist from further operating without authority. Defendant thereafter secured authority to transport fertilizer on or about August 30, 1993.

6. Defendant's shipment of rock for hire, therefore, 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 its certificated authority.

DATED this 3rd day of November, 1993.


Robert R. Logsdon
Complainant
NPSC Transportation Department


Mark A. Ludwig #19207
Attorney for Complainant
P.O. Box 94927
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VERIFICATION

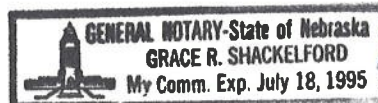
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

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 3rd day of November, 1993.

S E A L




Notary Public