

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

Complainant,)

vs.)

Armored Knights, Inc.,)

Omaha, Nebraska,)

Defendant.)

MOTOR CARRIER

COMPLAINT

MCC-3089

FILED

JAN 24 1994

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 Armored Knights, 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, Armored Knights, Inc., is a motor carrier conducting for-hire intrastate carriage in the State of Nebraska. Examination of the Transportation Department's records and documents reveals that defendant possesses neither a certificate nor a permit of authority to operate as a common or contract carrier in Nebraska intrastate commerce. An equipment lease was filed with the Commission and approved conditionally on August 31, 1992, giving evidence that a 1989 Ford F350 one-ton truck, V.I.N. 1FDKF37M1KKA13733, was leased by the defendant to Bob's Film Service (M-13089) for a period of three years from the date of Commission approval of the lease.

3. On August 31, 1992, Dick Knight, representing defendant, met with then Transportation Department Director Wayne Rowe and Department Legal Counsel Mark Ludwig and agreed to renew and file any leases for movements made by defendant company between Lincoln and Omaha. In return for said agreement to comply with Commission leasing rules and regulations, the Department agreed not to file a complaint against defendant at that time.

4. On or about November 16, 1993, a 1991 Ford van, V.I.N. 1FTFE24Y8MHA41121, owned by defendant, was stopped by a Commission inspector as it was making deliveries to Texaco stations and the Drug Emporium in Lincoln, Nebraska. The vehicle in question was not placarded under Bob's Film Service, nor was a PSC plate visible anywhere on the vehicle. The defendant's name and logo was on the sides of vehicle. The vehicle was not leased to any certificated carrier with authority to conduct such operations.

5. The defendant is based in Omaha, Nebraska, and, therefore, violated Neb. Rev. Stat. Section 75-309, as amended, for engaging in intrastate for-hire carrier operations outside the radial exemption provided for in Section 75-303(4) and without a certificate or permit of authority from 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 further operating in Nebraska intrastate commerce without authority and without proper adherence to the Commission's leasing rules and regulations.

DATED this 24th day of January, 1994.

Robert R. Logsdon
Robert R. Logsdon
Complainant
NPSC Transportation Department

Mark A. Ludwig
Mark A. Ludwig #19207
Attorney for Complainant
P.O. Box 94927
Lincoln, NE 68509
(402) 471-3101

VERIFICATION

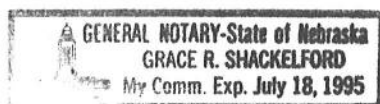
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

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
Robert R. Logsdon, Complainant

Subscribed and sworn to before me this 24th day of January, 1994.

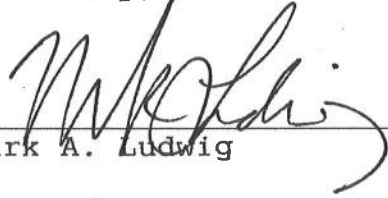
S E A L



Grace R. Shackelford
Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing complaint was served on the defendant, Armored Knights, Inc., 625 N. 18th, Omaha, Nebraska, 68102, by certified mail, return receipt requested, this 25th day of January, 1994.


Mark A. Ludwig

NOTICE

1. Pursuant to Title 291, Ch. 1, Rule 027.03A(5), defendant is hereby notified that the Commission has set a hearing date for this complaint on March 8, 1994, at 1:30 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 "N" Street, Lincoln, Nebraska. 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.