

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director)
of the Nebraska Public Service)
Commission Transportation)
Department,)
Complainant,)
vs.)
S & C Motors, Inc., Grand Island,)
Nebraska, and its President,)
Lavern Scarborough,)
Defendants.)

MOTOR CARRIER
COMPLAINT
MCC-3091

FILED

MAY 13 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 S & C Motors, Inc. and Lavern Scarborough, defendants, 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, S & C Motors, Inc., has operated as a motor carrier conducting for-hire intrastate carriage of property in the State of Nebraska. Examination of the Transportation Department's records and documents reveals that defendants do not have authority, either by certificate or permit, to conduct for-hire intrastate motor carriage, nor are defendants leased to any regulated intrastate motor carrier with the requisite authority to transport rock for hire.

3. The defendants willfully violated the Nebraska statutes and Rules and Regulations of the Commission by transporting rock in Nebraska intrastate commerce for compensation without a certificate or permit of authority to wit:

On or about January 6, 1994, the defendants transported rock from the Martin Marietta Quarry near Weeping Water, Nebraska, for Werner Construction, destined for delivery near Grand Island, Nebraska. The load was transported by a truck owned by H & H Trucking of St. Paul, Nebraska, and a freight transportation charge in the amount \$163.94 was paid to S & C Motors by Martin Marietta.

4. The bill of lading for the load identified the truck as "Paris 318." The Commission's Transportation Department documents and records show that there is no approved equipment lease between H & H Trucking and Parris Trucking. Parris Trucking holds Certificate No. M-12862 from this Commission and defendant Lavern Scarborough is also its president. The load was not transported by Parris Trucking under lease from H & H Trucking, nor under any lease of equipment from S & C Motors, Inc.