

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

Complainant,

vs.

vonRenzell Enterprises, Lincoln,  
Nebraska, and vonRenzell Van & Storage,  
Inc. (M-13142), Greenwood, Nebraska,

Defendants.

MOTOR CARRIER  
COMPLAINT  
MCC-3092

**FILED**

JUN 2 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 vonRenzell Enterprises and vonRenzell Van & Storage, Inc., 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. Defendants, vonRenzell Enterprises and vonRenzell Van & Storage, Inc., are motor carriers conducting for-hire intrastate carriage of household goods in the State of Nebraska. Examination of the Transportation Department's records and documents reveals that vonRenzell Enterprises does not have authority, either by certificate or permit, to conduct for-hire intrastate carriage. The Commission's records also show that vonRenzell Enterprises is not leased to any intrastate motor carrier with the requisite authority to transport regulated commodities point to point within the state. vonRenzell Van & Storage, Inc., possesses a certificate of authority issued from this Commission which reads as follows:

COMMON: Household goods and office equipment between points in Nebraska over irregular routes.

3. The defendants willfully violated the Nebraska statutes and rules and regulations of the Commission by transporting household goods in Nebraska intrastate commerce for compensation, to wit: On or about December 4 or 5, 1992, and December 11, 1992, defendants transported goods for Lutz, Friedman & Associates point to point within the municipality of Omaha, Nebraska.

4. Defendant vonRenzell Enterprises does not hold intrastate authority from this Commission and is based in Lincoln, Nebraska. Therefore, vonRenzell Enterprises could not legally conduct the local movement complained of above and thus violated Neb. Rev. Stat. Section 75-309, as amended, for operating as a common carrier without a certificate of authority issued by the Commission.

5. Defendant vonRenzell Van & Storage, Inc., did not conform with the applicable tariff established for local intrastate household goods movements. Specifically, defendant violated Official Household

Goods Tariff 7-D. The defendant failed to assess a mileage charge from the point of dispatch to the shipping point and from the final destination to the carrier's terminal, which is a violation of Tariff 7-D, Section 6. The defendant also charged flat fees which are not authorized by the tariff. The defendant exceeded the hourly rates allowed by the tariff for labor and equipment. Defendant thereby violated Neb. Rev. Stat. Section 75-126(1)(e) and (f) of the statutes for "demanding, charging, or collecting ... a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission; and for changing any rate, schedule, or classification in any manner whatsoever ..."

WHEREFORE, complainant prays the Commission for an order levying a civil penalty against the defendants pursuant to Neb. Rev. Stat. Section 75-322.02, et al., as amended, and Title 291, Chapter 1, Rule 027.02 of the Nebraska Administrative Code in an amount not less than one thousand dollars (\$1,000.00), and that the defendants be jointly and severally liable for payment of the same. Complainant also prays for any other order the Commission deems appropriate and which is within its jurisdiction to render, including, but not limited to, an order that the defendants cease and desist from further operating either without Nebraska intrastate authority, or outside the scope of any authority allowed by law.

DATED this 2nd day of June, 1994.



Robert R. Logsdon  
Complainant  
NPSC Transportation Department



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VERIFICATION

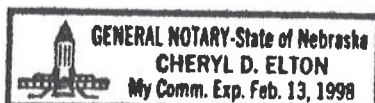
STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF LANCASTER )

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 2nd day of June, 1994.

S E A L



  
Notary Public