

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Robert R. Logsdon, Director of)	MOTOR CARRIER
the Nebraska Public Service Commission)	COMPLAINT
Transportation Department,)	MCC-3092
)	
Complainant,)	
vs.)	
)	DISMISSED AS SATISFIED
vonRentzell Enterprises, Lincoln,)	
Nebraska, and vonRentzell Van &)	
Storage, Inc. (M-13142), Greenwood,)	
Nebraska,)	
Defendants.)	ENTERED: SEPTEMBER 13, 1994

SETTLEMENT AGREEMENT

1. In the matter of complainant Robert R. Logsdon versus defendants vonRentzell Enterprises and vonRentzell Van & Storage, Inc., herein, the parties agree to a compromise and settlement agreement (as provided by Title 291, Chapter 1, Rule 027.05 of the Commission Rules) which will satisfy Motor Carrier Complaint No. 3092.

2. Participation in this agreement does not constitute an admission by the defendants of any of the allegations contained in the complaint not previously admitted by defendants in their answer filed on June 22, 1994.

3. The defendants consent to the assessment of a civil penalty in the amount of seven hundred and fifty dollars (\$750.00) in satisfaction of the complaint. In addition, defendant vonRentzell Enterprises of Lincoln, Nebraska, agrees to fulfill the following list of requirements to achieve compliance in establishing a locally-exempt operation authorized under Neb. Rev. Stat. Section 75-303(4), and as outlined in the Commission's Advisory Opinion dated December 5, 1989, interpreting the statutory exception under Section 75-303(4):

- A. Subscribe to local Lincoln phone service with a local number listing (or mobile phone service) in the name of vonRentzell Enterprises.
- B. Establish local advertising of services via the Yellow Page listings of the Lincoln telephone book and/or a minimum weekly advertising in the moving section of the Lincoln Journal-Star newspaper.
- C. Register and commercially plate in Lancaster County at least one vehicle used by vonRentzell Enterprises in its moving operations.

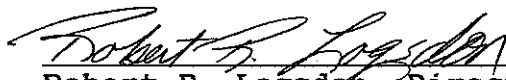
4. Included in this agreement and final order is a money order or cashier's check remitted to the Commission in the agreed amount of seven hundred and fifty dollars (\$750.00) made payable to the Treasurer of the State of Nebraska. These funds shall be deposited in the Commission's contingent liability account pending the issuance of the final order and shall then be transferred to the Treasurer within thirty (30) days of issuance of the final order.

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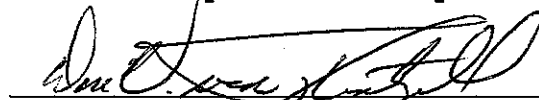
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5. The three criteria enumerated in Paragraph 3 herein must be completed by defendant vonRenzell Enterprises no later than December 31, 1994. It is understood by all parties to this agreement that if compliance is not achieved by said date, defendants may be subjected to further civil penalties following notice and hearing upon the filing of a subsequent complaint.

Signed and dated this 8th day of September, 1994.


Robert R. Logsdon, Director
NPSC Transportation Dept.


Richard vonRenzell
for vonRenzell Enterprises


Don vonRenzell
for vonRenzell Van & Storage, Inc.

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

Upon the verified complaint of Robert R. Logsdon, Complainant, against vonRenzell Enterprises and vonRenzell Van & Storage, Inc., Defendants, the Nebraska Public Service Commission finds as follows:

1. The defendants are motor carriers conducting for-hire intrastate carriage of household goods in the State of Nebraska. Defendant vonRenzell Enterprises does not have authority, either by certificate or permit, to conduct for-hire intrastate carriage, except by exception under Neb. Rev. Stat. Section 75-303(4). Defendant vonRenzell Van & Storage, Inc. possesses a certificate of authority from the Commission permitting it to operate as a common carrier in the transportation of household goods and office equipment between points in Nebraska over irregular routes. Defendant vonRenzell Van & Storage, Inc. must, therefore, abide by the applicable tariffs when transporting household goods beyond the five-mile radial zone of its domicile.

2. After a complaint was filed by the Director of the Public Service Commission's Transportation Department, both the complainant and defendants reached an agreement to satisfy the complaint and presented to the Commission a settlement agreement in the amount of seven hundred and fifty dollars (\$750.00) for deposit in the Commission's contingent liability account, pending final disposition. Defendants further agreed to distinguish their separate operations by agreeing to meet three specified conditions to establish a separate local operation by vonRenzell Enterprises in conformance with the Commission's December 5, 1989, Advisory Opinion on the interpretation of statutory exception Section 75-303(4) of the Nebraska Statutes.

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3. The Commission finds the settlement agreement to be a just and proper remedy to this complaint. The defendants should, therefore, be released from further liability for the violation(s) alleged in the complaint, conditioned on full compliance with the specified conditions set forth in the settlement agreement no later than December 31, 1994.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. 3092 filed against vonRentzell Enterprises and vonRentzell Van & Storage, Inc. be dismissed as satisfied by the settlement agreement between the parties. The defendants are hereby released from liability for the violations alleged in the complaint, having not admitted to all of the allegations contained therein.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that defendants' release from further liability is made conditional upon full compliance with the settlement agreement and satisfaction of all the criteria set forth in Paragraph 3, supra, of the settlement agreement. Failure by defendants to achieve such compliance as ordered will require the Commission to enjoin enforcement of this order as provided by law under Neb. Rev. Stat. Section 75-140 et. seq. in Lancaster County District Court.

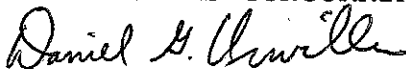
IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the seven hundred and fifty dollars (\$750.00) remitted by defendants be transferred to the Treasurer of the State of Nebraska for deposit in the permanent school fund within thirty (30) days of the date of this order.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the hearing set for a date to be later determined be, and is hereby, cancelled.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of September, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Duane D. Gay

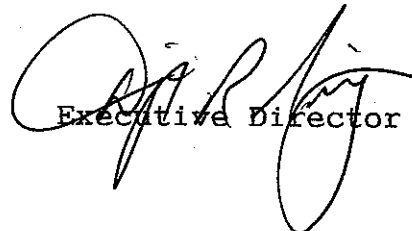
//s//Rod Johnson

//s//Frank Landis, Jr.

//s//James F. Munnelly


Chairman

ATTEST:


Executive Director

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