

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION


In re Robert R. Logsdon, Director of)	MOTOR CARRIER
the Nebraska Public Service Commission)	COMPLAINT
Transportation Department,)	MCC-3117
Complainant,)	
vs.)	
)	DISMISSED AS SATISFIED
Special Dispatch of Omaha, Inc.)	
(M-13005),)	
Defendant.)	ENTERED: NOVEMBER 10, 1994

SETTLEMENT AGREEMENT

1. In the matter of complainant Robert R. Logsdon versus defendant Special Dispatch of Omaha, Inc., 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. 3117.
2. Participation in this agreement does not constitute an admission by the defendant of any of the allegations contained in the complaint.
3. The defendant consents to the assessment of a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) in satisfaction of the complaint. Said penalty is to be payable in two consecutive monthly installments of \$750.00 with the first payment due no later than September 30, 1994, and the second and final payment due no later than October 31, 1994.
4. All payments shall be made by a money order or cashier's check remitted to the Commission and 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 receipt of each installment payment.

Signed and dated this 7 day of NOV, 1994.


Robert R. Logsdon, Director
NPSC Transportation Dept.


Howard Jones
for Defendant

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 Special Dispatch of Omaha, Inc., Defendant, the Nebraska Public Service Commission finds as follows:

MOTOR CARRIER COMPLAINT NO. 3117

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1. The defendant is a motor carrier with a permit of authority from this Commission to conduct restricted contract carriage, and as such, must not demand, charge, or collect less than the tariff rate prescribed by the Commission. After a complaint was filed by the Director of the Public Service Commission's Transportation Department, both the complainant and defendant reached an agreement to satisfy the complaint and presented to the Commission a settlement agreement in the amount of one thousand five hundred dollars (\$1,500.00) payable in two \$750.00 installments for deposit in the Commission's contingent liability account, pending final disposition.

2. The Commission finds the settlement agreement to be a just and proper remedy to this complaint. The defendant should, therefore, be released from further liability for the violation(s) alleged in the complaint. However, if defendant fails to pay the civil penalty in full by October 31, 1994, the Commission reserves its right to take further action against the defendant to collect the debt due and owing to the State of Nebraska.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. 3117 filed against Special Dispatch of Omaha, Inc. be dismissed as satisfied by the settlement agreement between the parties. The defendant is hereby released from liability for the violations alleged in the complaint, having not admitted to any of the allegations contained therein, contingent upon full payment of the civil penalty assessed herein.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the one thousand five hundred dollars (\$1,500.00) remitted by defendant be transferred to the Treasurer of the State of Nebraska for deposit in the permanent school fund within thirty (30) days of the receipt of each of two installment payments of \$750.00, with the balance to be paid in full on or before October 31, 1994, by defendant.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the hearing set for September 12, 1994, be, and it is hereby, cancelled.

MADE AND ENTERED at Lincoln, Nebraska, this 10th day of November, 1994.

COMMISSIONERS CONCURRING:

Daniel G. Mueller

//s//Duane D. Gay
//s//Rod Johnson
//s//Frank Landis, Jr.
//s//James F. Munnelly

NEBRASKA PUBLIC SERVICE COMMISSION

Mark Sand
Chairman*John Burvink*
ATTEST

Executive Director