

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

Complainant,

vs.

Special Dispatch of Omaha, Inc. (M-13005),

Defendant.

MOTOR CARRIER
COMPLAINT
MCC-3117

FILED

JUL 29 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 Special Dispatch of Omaha, Inc. (Special Dispatch), 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, Special Dispatch, is a motor carrier conducting for-hire intrastate motor carriage in the State of Nebraska. The Commission's records and documents show that defendant has a permit of authority (M-13005) issued from the Commission to operate as a contract carrier as follows:

CONTRACT: Paper, paper products, cardboard, cardboard products, boxes, and packaging material as used in the conduct and operation of Crown Packaging Corporation's business between its warehouse in Omaha and all points in Nebraska within a 150-mile radius of Omaha over irregular routes under continuing contract(s) with Crown Packaging Corporation. SUPP. NO. 1: Medical and hospital supplies (not to include blood, plasma, or laboratory specimens) between points in Nebraska over irregular routes under continuing contract(s) with Abbott Laboratories. SUPP. NO. 2: General commodities (except those requiring special equipment) between points within a 200-mile radius of Omaha over irregular routes under continuing contracts with Bennett Business Forms, Air Management Supply, Inc., and Central Mattress, Inc.

3. On or about the following dates, defendant violated Section 75-309 of the Nebraska statutes, as amended, for operating as a common carrier without a certificate of authority having been issued by the Commission authorizing the particular operations specifically listed below:

Date	Shipper Consignee	Bill Number	Lbs.	Rate Chrgd.	Correct Rate	Diff.	Tariff Used
5/12/94	Multigraphics, Omaha Mem. Hospital, Fremont	E1240004	1	27.50	46.80	(19.30)	11-G
5/6/94	Power Drive & Bearing, Omaha Arcadian, LaPlatte	E0640070	35	16.50	8.75	7.75	11-G
5/4/94	Precision Industries, Omaha Arcadian, LaPlatte	E0440106	2	16.50	15.60	.90	11-G

5/4/94	A W Chesterton, Omaha Arcadian, LaPlatte	E0440003	8	16.50	15.60	.90	11-G
5/3/94	Arcadian, LaPlatte Precision Industries, Omaha	E0340095	2	14.50	9.55	4.95	11-G
5/3/94	United Electric, Omaha Arcadian, LaPlatte	E0340015	1	16.50	15.60	.90	11-G
5/2/94	Fastners, Inc., Omaha Arcadian, LaPlatte	E0240015	25	8.80	15.60	(6.80)	11-G
5/2/94	Ne. Tractor, Omaha Arcadian, LaPlatte	E0240014	10	8.80	15.60	(6.80)	11-G
4/29/94	Phy. Lab., Omaha Fremont Hospital, Fremont	D2940128	unk.	27.50	unk.	unk.	N/A (No weight listed on the Bill of Lading.)
4/28/94	Industrial Electric, Omaha Arcadian, LaPlatte	D2840050	10	16.50	15.60	.90	11-G
4/29/94	Precision Industries, Omaha Arcadian, LaPlatte	D2940160	2	16.50	15.60	.90	11-G
4/28/94	Swanda Business Forms, Omaha Valmont Industries, Valley	D2840008	550	27.50	26.51	.99	4-D
4/19/94	Arcadian, LaPlatte Utility Equipment, Omaha	D1940088	20	11.50	7.70	3.80	11-G
4/19/94	Utility Equipment, Omaha Arcadian, LaPlatte	D1940089	25	16.50	15.60	.90	11-G
4/19/94	Precision Industries, Omaha Arcadian, LaPlatte	D1940090	1	16.50	15.60	.90	11-G
4/19/94	Fasteners, Inc., Omaha Arcadian, LaPlatte	D1940123	50	16.50	17.10	(.60)	11-G
4/20/94	Arcadian, LaPlatte Midwest Lab., Omaha	D2040093	30	16.50	15.60	.90	11-G
4/21/94	Utility Equipment, Omaha Arcadian, LaPlatte	D2140067	40	16.50	15.60	.90	11-G
4/22/94	Fastners, Inc., Omaha Arcadian, LaPlatte	D2240147	210	17.60	17.00	.60	4-D
4/19/94	Mem. Hospital, Fremont Red Cross, Omaha	D1940024	1	42.50	46.80	(4.30)	11-G
4/24/94	Mem. Hospital, Fremont U. N. Medical Center, Omaha	D2440001	1	42.50	46.80	(4.30)	11-G

4/25/94	Red Cross, Omaha Mem. Hospital, Fremont	D2540003	25	27.50	46.80	(19.30)	11-G
4/26/94	Red Cross, Omaha Mem. Hospital, Fremont	D2640007	unk.	27.50	unk.	unk.	N/A (No weight listed on the Bill of Lading.)
4/13/94	Children's Hospital, Omaha Mem. Hospital, Fremont	D1340038	3	42.50	46.80	(4.30)	11-G
4/11/94	Central States, Omaha Arcadian, LaPlatte	D1140109	5	8.80	15.60	(6.80)	11-G
4/12/94	Black & Decker, Omaha Arcadian, LaPlatte	D1240020	5	14.50	9.55	4.95	11-G
4/12/94	Air Products, Omaha Arcadian, LaPlatte	D1240027	40	16.50	15.60	.90	11-G
4/11/94	Precision Industries, Omaha Arcadian, LaPlatte	D1240046	1	8.80	15.60	(6.80)	11-G
4/14/94	Graybar Electric, Omaha Arcadian, LaPlatte	D1440090	150	17.00	unk.	unk.	N/A (Incomplete description of articles shipped.)
4/14/94	John Day Co., Omaha Arcadian, LaPlatte	D1440150	10	16.50	15.60	.90	11-G
4/4/94	CDI, Omaha Mem. Hospital, Fremont	D0440081	15	27.50	46.80	(19.30)	11-G
3/16/94	Swanda Business Forms, Omaha Valmont Industries, Valley	C1640080	unk.	27.50	unk.	unk.	N/A (No weight listed on the Bill of Lading.)
2/15/94	ARC, Omaha Mem. Hospital, Fremont	B1740134	60	42.50	48.30	(5.80)	11-G
2/20/94	Phy. Lab., Omaha Mem. Hospital, Fremont	B2040003	1	42.50	46.80	(4.30)	11-G
2/21/94	Red Cross, Omaha Mem. Hospital, Fremont	B2140064	10	42.50	46.80	(4.30)	11-G
2/21/94	Mem. Hospital, Fremont ARC, Omaha	B2140131	1	42.50	46.80	(4.30)	11-G
2/24/94	Red Cross, Omaha Mem. Hospital, Fremont	B2440111	20	27.50	46.80	(19.30)	11-G
2/24/94	CDI, Omaha Mem. Hospital, Fremont	B2440113	80	27.50	48.30	(20.80)	11-G
2/25/94	Owens & Minor, Omaha Mem. Hospital, Fremont	B2540114	5	27.50	46.80	(19.30)	11-G

2/15/94	Swanda Business Forms, Omaha Valmont Industries, Valley	B1540072	500	27.50	unk.	unk.	N/A
(Incomplete description of articles shipped.)							
2/17/94	Red Cross, Omaha Mem. Hospital, Fremont	B1740052	15	42.50	46.80	(4.30)	11-G
2/7/94	Mem. Hospital, Fremont Red Cross, Omaha	B0740142	5	27.50	46.80	(19.30)	11-G
2/7/94	Brown Medical, Omaha Mem. Hospital, Fremont	B0740041	1	27.50	46.80	(19.30)	11-G
1/7/94	Baxter Healthcare, Omaha Perkins County Hospital, Grant	A0740156	20	390.00	9.70	380.30	11-G
1/11/94	Swanda Business Forms, Omaha Valmont Industries, Valley	A0640010	unk.	27.50	unk.	unk.	N/A
(No weight listed on the Bill of Lading.)							
11/19/93	Swanda Business Forms, Omaha Valmont Industries, Valley	11299300336	unk.	27.50	unk.	unk.	N/A
(No weight listed on the Bill of Lading.)							
10/10/93	Red Cross, Omaha Mem. Hospital, Fremont	J1030003	10	42.00	46.80	(4.80)	11-G

4. On or about the following dates, defendant violated Section 75-304.01 of the Nebraska statutes, as amended, for demanding, charging, or collecting less compensation for such transportation than the charges to be made by common carriers for the same transportation in accordance with Chapter 75, article 3, as affected by any rule, regulation, or practice so filed, or as may be prescribed by the Commission. The following bills were found to be in violation for charging less than the applicable tariff rate approved by the Commission:

Date	Shipper Consignee	Bill Number	Lbs.	Rate Chrgd.	Correct Rate	Diff.	Tariff Used
4/22/94	Central Mattress, Omaha Mother Hull Home, Inc., Kearney	D2540065	160	28.50	64.18	(35.68)	4-D
2/2/94	Crown Package, Omaha Overland Products, Fremont	B2240005	400	19.28	21.28	(2.00)	4-D
1/4/94	Crown Package, Omaha Overland Products, Fremont	A1740153	440	8.00	23.41	(15.41)	4-D
12/6/93	Crown Package, Omaha Dutton Lainsou, Hastings	L0730118	200	5.00	116.34	(111.34)	4-D
11/23/94	Crown Package, Omaha Overland Products, Fremont	K2430139	6004	21.54	154.90	(133.36)	4-D
11/22/93	Crown Package, Omaha Lenco Corp., Waverly	K2330088	300	17.50	18.06	(.56)	4-D

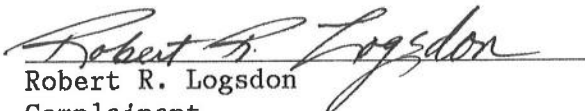
11/16/93	Crown Package, Omaha Accu-Cut, Fremont	K1730069	225	16.00	65.30	(49.30)	4-D
11/16/93	Crown Package, Omaha Cylinder & Slide Inc., Fremont	K1730065	50	6.00	17.00	(11.00)	4-D
11/16/93	Crown Package, Omaha Smith Kline Beecham, Lincoln	K1830095	350	19.39	21.07	(1.68)	4-D
9/13/93	Central Mattress, Omaha Concordia College, Seward	I1430096	1200	80.03	229.80	(149.77)	4-D
9/3/93	Central Mattress, Omaha Bosselmans, Grand Island	I0730075	240	36.93	89.64	(52.71)	4-D
7/26/93	Cental Mattress, Omaha Bosselmans, Grand Island	G2630057	240	28.50	89.64	(61.14)	4-D
7/12/93	Central Mattress, Omaha Donley Medical Co., Lincoln	G1330123	240	21.94	51.29	(29.35)	4-D
6/14/93	Central Mattress, Omaha Hastings Good Samaritan, Hastings	F1630115	210	23.50	81.40	(57.90)	4-D


5. The shipments listed above in Paragraph 3, which were in violation of Neb. Rev. Stat. Section 75-309, represent a combined revenue of \$1,509.30. The shipments listed above in Paragraph 4, which were in violation of Neb. Rev. Stat. Section 75-304.01, collectively represent a total undercharge of \$711.20.

6. On or about November 30, 1992, complainant filed Motor Carrier Complaint MCC-3068 against defendant for violation of Neb. Rev. Stat. Section 75-309, as amended, for operating as a common carrier without authority. Said complaint was subsequently dismissed as satisfied on February 2, 1993, upon payment of a civil penalty by defendant in the amount of \$300.00.

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 Nebraska Administration Code in an amount not less than two thousand dollars (\$2,000.00) 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 outside its granted contract authority and from failing to obey the terms of the applicable tariffs.

DATED this 29th day of July, 1994.


Robert R. Logsdon
Complainant
NPSC Transportation Department


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