

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

Complainant,

vs.

AB Express, Inc. and We Deliver Quality,  
Inc., dba WDQ, Inc., Kansas City,  
Missouri,

Defendants.

MOTOR CARRIER  
COMPLAINT  
MCC-3118

**FILED**

**AUG 23 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 AB Express, Inc. (AB) and We Deliver Quality, Inc., dba WDQ, Inc. (WDQ), 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 AB and WDQ have operated as motor carriers 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 carriage. Defendant AB has a certificate of public convenience and necessity from the Interstate Commerce Commission under MC-171917 to operate as a common carrier in interstate commerce over irregular routes between points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma.

3. Defendants willfully violated the Nebraska statutes and rules and regulations of the Commission by transporting freight in Nebraska intrastate commerce for compensation without a certificate or permit of authority, to wit: On or about August 3, 1994, defendants transported regulated freight from Qualex Photo in Omaha, Nebraska, to consignees in Kearney, Holdrege, and Minden, Nebraska, for compensation.

4. Defendant AB signed a delivery service agreement with shipper Qualex Photo on or about April 7, 1994, to deliver photo finishing products at a flat weekly rate of \$14,450.00. The agreement is signed by Isam Ahmed for defendant carrier AB, and R.J. Schaecher for the shipper Qualex Photo.

5. The vehicle transporting Qualex freight on the date and route described in Paragraph No. 3, supra, contained a Single State Registration System (SSRS) receipt from the State of Missouri issued to AB Express, Inc., MC-171917, authorizing interstate operations in the states of Arkansas, Iowa, Illinois, Kansas, Missouri, Nebraska,


and Oklahoma. The driver of the vehicle, Delmar Larson, held an independent contractor agreement with defendant WDQ to deliver loads for shipper Qualex.


6. On May 9, 1994, complainant sent a letter to AB warning the company that it needed intrastate authority to transport regulated commodities point to point within Nebraska. On May 17, 1994, defendant AB's attorney informed complainant that all shipments for Qualex Photo would be routed through defendant AB's Council Bluffs, Iowa, terminal where they would be mixed with other interstate freight and thereafter shipped to points west in Nebraska. The complainant was advised that defendant AB would not engage in any Nebraska intrastate operations unless and until it obtained the requisite authority to do so from the Commission.

7. The transportation of Qualex freight complained of above by defendants was in violation of Neb. Rev. Stat. Section 75-309, as amended, for operating as common or contract carriers without a certificate or permit of authority issued by the Commission.

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 seq., 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 without authority in Nebraska intrastate commerce.

DATED this 23<sup>rd</sup> day of August, 1994.

  
Robert R. Logsdon  
Complainant  
NPSC Transportation Department

  
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