

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Robert R. Logsdon, Director,  
Transportation Department  
Nebraska Public Service Commission

) MOTOR CARRIER COMPLAINT  
) MCC-3135  
)  
)

Complainant,

vs.

Willie W. Newsome dba  
Newsome Transportation Services  
3903 Redick Avenue  
Omaha, Nebraska 68112

Defendant.

Robert R. Logsdon, Director, Transportation Department, Nebraska  
Public Service Commission, for his complaint against the defendant alleges:

I.

The Nebraska Public Service Commission issued a Certificate of Public Convenience and Necessity to the defendant on May 27, 1994, and defendant's 1997 annual fees became delinquent on March 1, 1997.

II.

That on February 13, 1997, a delinquency notice was sent to the defendant requesting compliance by March 13, 1997, and warning that a departmental complaint could be issued if defendant failed to comply by that date. Defendant did not comply.

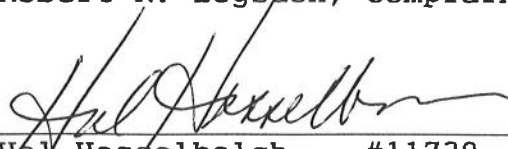
III.

That the defendant willfully failed to pay an annual fee for each vehicle operated in 1997 as required by Section 75-305, R.R.S. 1943, as amended, and Title 291, Chapter 3, Rule 004 et. seq. of the Nebraska Public Service Commission's Motor Carrier Rules and Regulations.

WHEREFORE, complainant prays the Commission for an order levying a civil penalty against defendant pursuant to Section 75-322.02 R.R.S. 1943, as amended, and Title 291, Chapter 1, Rule 027.02, in an amount not less than forty dollars (\$40.00), and for an order suspending, changing or revoking the Certificate of Public Convenience and Necessity issued to the defendant, and any other order the Commission deems appropriate and which is within its jurisdiction to render.

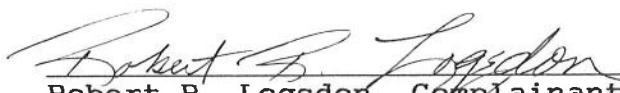
Robert R. Logsdon, Complainant

BY

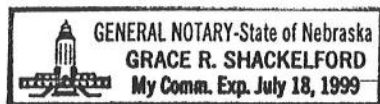
  
Hal Hasselbalch #11739  
Attorney for Complainant  
P.O. Box 94927  
Lincoln, NE 68509  
(402) 471-3101

STATE OF NEBRASKA       )  
                                      ) ss  
COUNTY OF LANCASTER    )

Robert R. Logsdon, Director of the Transportation Department, Nebraska Public Service Commission, being first duly sworn on oath, deposes and says that he is the duly appointed and qualified Director of the Transportation Department; that he is personally acquainted with the facts stated in the above complaint; that he has read the foregoing complaint subscribed by him, and that the facts stated therein are true as he verily believes.

  
Robert R. Logsdon, Complainant

SUBSCRIBED in my presence and sworn to before me this 30th day of April, 1997.



  
Notary Public

NOTICE


1. Pursuant to Title 291, Chapter 1, Rule 027.03A(5), defendant is hereby notified that the Commission has set a hearing date for this complaint on May 28, 1997, at 11:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 "N" Street, Lincoln, Nebraska. Defendant is further notified that failure to file an answer to this complaint within twenty (20) days from the date of service will be construed as an admission of the allegations stated therein.

2. Failure by the defendant to file an answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty and additional penalties as provided for by law, or (b) to proceed with the hearing and receive evidence of the alleged violation(s) and thereby assess civil penalties and other relief as provided for by law.

3. Upon failure to pay any civil penalty determined by the Commission, such civil penalty unpaid shall constitute a debt to the State of Nebraska and be collectible by civil action in the District Court of Lancaster County.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing complaint was served on the defendant by certified mail, return receipt requested, this 30th day of April, 1997.

  
Hal Hasselbalch