

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Andy S. Pollock, Director,)	MOTOR CARRIER COMPLAINT
Transportation Department,)	MCC-3145
Nebraska Public Service Commission,)	
)	
Complainant,)	
vs.)	DISMISSED
)	
Paula Shasteen, d/b/a Shasteen)	
Transfer & Storage, Gering,)	
)	
Defendant.)	ENTERED: NOVEMBER 6, 2001

BY THE COMMISSION:

OPINION AND FINDINGS

On this 6th day of November, 2001, the Commission considered Motor Carrier Complaint 3145. After due consideration of the Commission's files and records, the Commission is of the opinion and finds:

1. The Commission failed to timely prosecute the alleged violations. The alleged violations occurred in May of 2000, the complaint was filed February 21, 2001, and an answer was received March 19, 2001. No hearing has yet been held. The Commission has since put into place procedures to prevent other complaints from becoming similarly stale.
2. Because of the length of time that has passed since the complaint was filed, and because the alleged violations did not cause harm to any consumers and were not the result of a consumer complaint, the Commission finds that the complaint should be dismissed.

O R D E R

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Complaint 3145 be, and it is hereby dismissed.

MOTOR CARRIER COMPLAINT 3145

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MADE AND ENTERED at Lincoln, Nebraska, this 6th day of November, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lawrence H. Hansen
Charles L. Cap

Paul Johnson

//s//Frank E. Landis

James Lander
Chairman

ATTEST:

A. S. Pollock
Executive Director

COMMISSIONERS DISSENTING:

I dissent. That the alleged violations took place in May of 2000 is insufficient reason to allow the defendant to escape without hearing or penalty. No statute of limitations on the alleged violations exists, and there is no legal barrier to full prosecution of the complaint. The Commission's own failure to swiftly prosecute should not prevent us from appropriately administering the statutes and regulations with which we are charged to enforce. For these reasons, I dissent.

Anne C. Boyle