

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Andy S. Pollock, Director,
Motor Transportation Department,
Nebraska Public Service Commission,
Lincoln, Nebraska,

Complainant,

vs.

Brown's Transport, Inc.
O'Rourke & O'Rourke Buggy Rentals, Inc.
Prince & Princess Limousine Service
Total Transportation Services
All-Star Moving & Storage
Allied Van Lines, Inc.
Kearney Moving Service
Movers Not Shakers
Prestige Delivery Service

Defendants.

) MOTOR CARRIER COMPLAINT 3146

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) DISMISSED IN PART

) SUSTAINED IN PART

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) ENTERED: May 1, 2001

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BY THE COMMISSION:

The complainant in the matter in caption filed a motor carrier complaint and Order to Show Cause against the defendants alleging a willful failure to pay the statutorily required annual fee for each vehicle operated by an intrastate motor carrier under Neb. Rev. Stat., Section 75-305 (Reissue 1996). By January 1 of each year, regulated carriers are required to pay the Commission an annual fee for each motor vehicle operated. Fees not received by March 1 are considered delinquent. Defendants were given the option of having the complaint and Order to Show Cause dismissed by paying the annual fees for each motor vehicle operated in 2001 as required. Notice of the complaint and hearing were sent by certified mail to the defendants. A hearing was held on the complaint on April 17, 2001, in the Commission Hearing Room. No defendant made an appearance at the hearing.

Opinion and Findings

Being fully advised in the premises, the Commission is of the opinion and finds:

The defendants are regulated motor carriers whose operations fall under the jurisdiction of the Commission and who have been issued a Certificate of Public Convenience and Necessity by the Commission.

As part of its regulatory authority and pursuant to Section 75-305, and Title 291, Chapter 3, Rule 004 et. seq. of the Nebraska Public Service Commission Motor Carriers Rules and Regulations concerning the obligation of defendants to pay annual fees, the Commission required regulated motor carriers to pay the Commission an annual fee for each motor vehicle operated by January 1 of each year. The defendants were notified of such requirement by first class mail on November 1, 2000.

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The following defendants have adequately complied with the provisions of Neb. Rev. Stat., Section 75-305 (Reissue 1996) and Title 291, Chapter 3, Rule 004 et. seq. of the Nebraska Public Service Commission Motor Carriers Rules and Regulations concerning the obligation of defendants to pay annual fees. Therefore, the following defendants should be dismissed from this complaint:

O'Rourke & O'Rourke Buggy Rentals, Inc.
Prince & Princess Limousine Service
All-Star Moving & Storage
Kearney Moving Service
Movers Not Shakers

Furthermore, the following defendants requested revocation or suspension of their certificates prior to the hearing held in this matter and the Commission subsequently granted their requests for revocation or suspension. Therefore, the following defendant should be dismissed from this complaint.

Total Transportation Services (revoked by transfer)

The remaining defendants willfully failed to comply with Neb. Rev. Stat., Section 75-305 (Reissue 1996) and Title 291, Chapter 3, Rule 004 et. seq. of the Nebraska Public Service Commission Motor Carriers Rules and Regulations concerning the obligation of defendants to pay annual fees, by not paying the annual fee per vehicle operated in 2001 as required. Accordingly, the Commission finds the certificates of public convenience and necessity issued to the following defendants should be revoked:

Brown's Transport, Inc.
Prestige Delivery Service
Allied Van Lines, Inc.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3146 be, and it is hereby, dismissed in part and sustained in part.

IT IS FURTHER ORDERED that O'Rourke & O'Rourke Buggy Rentals, Inc., Prince & Princess Limousine Service, All-Star Moving & Storage, Kearney Moving Service, and Movers Not Shakers, Total Transportation Services, be, and they are hereby, dismissed from the complaint.

IT IS FURTHER ORDERED that the certificate of public convenience and necessity issued to Brown's Transport, Inc., Prestige Delivery Service, and Allied Van Lines, Inc., be, and they are hereby, revoked.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of May, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell Johnson

John Johnson

//s//Anne C. Boyle

CHAIRMAN

ATTEST:

Anne C. Boyle

Executive Director

John Burvart

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ORDER TO SHOW CAUSE was sent by registered certified mail to the defendants on the 2nd day of May, 2001.



Michael Loeffler

EXHIBIT A

Brown's Transport, Inc.
O'Rourke & O'Rourke Buggy Rentals, Inc.
Prince & Princess Limousine Service
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