

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re Andrew S. Pollock, )  
Director of the Nebraska Public )  
Service Commission ) MOTOR CARRIER COMPLAINT  
Transportation Department, ) MCC-3147  
)  
Complainant, )  
)  
vs. ) COMPLAINT  
)  
OTIT, Inc., d/b/a City Taxi, )  
Columbus, Nebraska, )  
)  
Defendant. ) ENTERED: October 4, 2001

COMES NOW Andrew S. Pollock, Complainant in the above-captioned cause, and for his complaint against OTIT, Inc., d/b/a/ City Taxi (City Taxi), Defendant, states and 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. City Taxi is a common carrier transporting passengers and their baggage intrastate in Nebraska. The Commission's records show that the defendant has authority issued from the Commission to operate as a common carrier in the state of Nebraska as follows: Transportation of passengers and their

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baggage intrastate in Nebraska by taxicab in Columbus and vicinity over irregular routes. Certificate B-1534.

3. On or about May 22, 2001, Jane Doe, a person who wishes to keep her identity anonymous and confidential, was refused taxi service by Defendant because she uses a wheelchair. Such refusal is in violation of Neb. Rev. Stat. § 75-315 (Reissue 1996) and Neb. Admin. R. & Reg. Title 291, Chapter 3, Section 10.01 (1989).

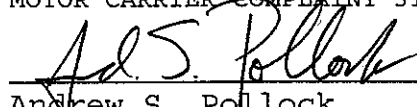
4. Pursuant to Neb. Rev. Stat. Ch. 75, Art. 3, the Commission is the appropriate public body to enforce state law regarding the regulation of the intrastate transportation of passengers and their baggage by common carrier.

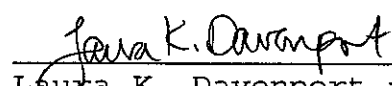
WHEREFORE, Complainant prays the Commission for an order levying a civil penalty against the Defendant pursuant to Neb. Rev. Stat. § 75-156 (Cum. Supp. 2000) for each offense herein described and for any other order the Commission deems appropriate and is within its jurisdiction to render, including any remedy consistent with state and federal law.

DATED this 5th day of October, 2001.

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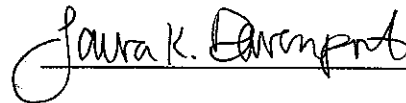
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Andrew S. Pollock  
Complainant  
NPSC Transportation Department

  
Laura K. Davenport #21933  
Attorney for Complainant  
P.O. Box 94927  
Lincoln, NE 68509  
(402) 471-3101

CERTIFICATE OF SERVICE

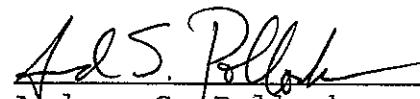
The undersigned hereby certifies that a true and correct copy of the foregoing complaint was served on the Defendant, OTIT, Inc., d/b/a City Taxi, 92 Cottonwood Drive, Columbus, NE, 68601, by certified mail, this 5th day of October, 2001.



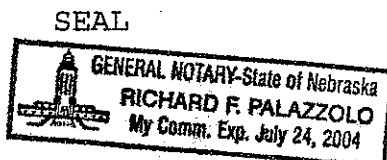
VERIFICATION


STATE OF NEBRASKA     )  
                                      ) SS.  
COUNTY OF LANCASTER )

Andrew S. Pollock, being first duly sworn on oath, deposes and says that he is the duly appointed Director of the Transportation Division of the Nebraska Public Service Commission; that he is the Complainant in the foregoing pleading; that he has read the allegations contained therein; and understands them to be true to the best of his knowledge and belief.

  
Andrew S. Pollock  
Complainant

Subscribed and sworn to before me on this 5<sup>TH</sup> day of October, 2001.



  
Notary Public

## NOTICE

1. Pursuant to Neb. Admin. R. & Regs. Title 291, Ch.1, Rule 027 et seq., and Neb. Rev. Stat. § 75-156 (Cum. Supp. 2000), the Defendant is hereby notified that (1) the Commission will set a hearing date for this complaint and give notice to the Defendant of said date and location of the hearing; (2) an answer to this complaint shall be filed and shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses which the Defendant may assert. The answer shall be filed with the Commission within twenty (20) days after service of the complaint; (3) except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint; and, (4) failure to file and answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty as provided by law, or (b) to proceed with the hearing and receive evidence of the alleged violation and to assess a civil penalty as provided by law.