

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

| | | |
|----------------------------------|---|------------------------------|
| Andy S. Pollock, Director, |) | MOTOR CARRIER COMPLAINT 3148 |
| Motor Transportation Department, |) | |
| Nebraska Public Service |) | |
| Commission, |) | DISMISSED |
| Lincoln, Nebraska, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | ENTERED: APRIL 23, 2002 |
| |) | |
| Crusader Coach Lines, Inc. |) | |
| Dashabout Roadrunner, Inc. |) | |
| Embassy Limousine, Inc. |) | |
| Geneva Motors, Inc. |) | |
| Hastings Taxi and Trans. Serv. |) | |
| Luxor Limousine |) | |
| MHCS Transport System |) | |
| Nebraska City Chamber of Comm. |) | |
| J & M Limousine |) | |
| Running Horse Enterprises LLC |) | |
| Upper Nile Staff, Inc. |) | |
| AAA Quality Movers |) | |
| Able Professional Movers, Inc. |) | |
| Ace Storage & Transfer, Inc. |) | |
| All American Movers, Inc. |) | |
| Star Van & Storage Co. |) | |
| Smitty's Van & Storage Co. |) | |
| |) | |
| Respondents. |) | |

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 2002 as required. Notice of the complaint and

MOTOR CARRIER COMPLAINT 3148

PAGE TWO

hearing was sent by certified mail to the defendants. A hearing was held on the complaint on April 2, 2002, 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 5, 2001.

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 complaint against the following defendants should be dismissed:

Dashabout Roadrunner, Inc.
Embassy Limousine, Inc.
J & M Limousine
Luxor Limousine
Nebraska City Chamber of Commerce
Upper Nile Staff, Inc.
AAA Quality Movers
Able Professional Movers, Inc.
Ace Storage & Transfer, Inc.
All American Movers, Inc.
Smitty's Van & Storage Co.

MOTOR CARRIER COMPLAINT 3148

PAGE THREE

Furthermore, the following defendant's certificate was revoked by way of transfer. Therefore, the complaint against this defendant should be dismissed:

Hastings Taxi and Trans. Serv. LLC

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 complaint against the following defendants should be dismissed:

Crusader Coach Lines, Inc.
Geneva Motors, Inc.
Running Horse Enterprises, LLC
Star Van & Storage Co.

Furthermore, the following defendant requested revocation of his Certificate prior to the sustaining of the complaint. Therefore, the complaint against this defendant should be dismissed:

MHCS Transport System

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3148 be, and it is hereby, dismissed.

IT IS FURTHER ORDERED that the complaint against Dashabout Roadrunner, Embassy Limousine, Crusader Coach Lines, Inc., Geneva Motors, Inc., Hastings Taxi and Trans. Serv., J & M Limousine, Luxor Limousine, Nebraska City Chamber of Commerce, Running Horse Enterprises, LLC, Upper Nile Staff, Inc., AAA Quality Movers, Able Professional Movers, Inc., Ace Storage & Transfer, Inc., All American Movers, Inc., Star Van & Storage Co., and Smitty's Van & Storage Co., MHCS Transport System be, and is hereby dismissed.

MOTOR CARRIER COMPLAINT 3148

PAGE FOUR

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of
April, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis

Anne C. Boyle

//s//Anne C. Boyle
//s//Frank E. Landis

Anne Boyle
Chair

ATTEST:

And S. Pollack
Executive Director