

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Andy S. Pollock, Director,) MOTOR CARRIER COMPLAINT 3150
Motor Transportation Department,)
Nebraska Public Service)
Commission,) DISMISSED IN PART
Lincoln, Nebraska,) SUSTAINED IN PART
)
Complainant,)
)
vs.) ENTERED: APRIL 22, 2003
)
Island Limousine Service)
Limo de Luxe)
Royal Flush Coach Service)
Al's Hauling & Moving Co.)
Chief Transfer & Storage, Inc.)
Murphy Moving)
)
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 2003 as required. Notice of the complaint and hearing was sent by certified mail to the defendants. A hearing was held on the complaint on April 9, 2003, 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:

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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, 2002.

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:

Al's Hauling & Moving Co.
Murphy Moving

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:

Royal Flush Coach Service
Limo de Luxe

The following defendants did not comply with Section 75-305 and Rule 004 and request revocation or suspension of their Certificates prior to the sustaining of the complaint. Therefore, the complaint against these carriers should be sustained.

Island Limousine Service
Chief Transfer & Storage Co.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3150 be, and it is hereby, dismissed in part and sustained in part.

IT IS FURTHER ORDERED that the complaint against Island Limousine Service, Limo de Luxe, Royal Flush Coach Service, Al's Hauling & Moving Co., Chief Transfer & Storage, Inc., and Murphy Moving be, and is hereby dismissed in part and sustained in part.

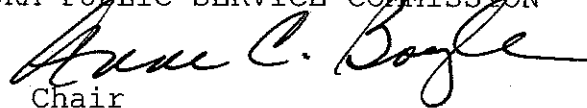
MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of April, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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


Chair

ATTEST:

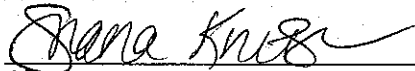

Acting Executive Director

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ORDER TO SHOW CAUSE was sent by registered mail to the defendants on the 23rd day of April, 2003.



Shana Knutson

EXHIBIT A

Island Limousine Service
Limo de Luxe
Royal Flush Coach Service
Al's Hauling & Moving Co.
Chief Transfer & Storage, Inc.
Murphy Moving