

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Andy S. Pollock) Application No. MCC-3151
Director of the Motor)
Transportation Department of the)
Nebraska Public Service)
Commission,)
 Complainant,) COMPLAINT
v.)
)
Mike's Moving, Inc., Omaha,)
Nebraska,)
 Defendant.) Filed: JUNE 3, 2003

BY THE COMMISSION:

Comes Now Andrew S. Pollock, Director of the Motor Transportation Department of the Nebraska Public Service Commission (Complainant) for Complaint against Mike's Moving, Inc., Omaha, Nebraska (Defendant) specifically as follows:

1. Complainant is the Director of the Motor Transportation Department of the Nebraska Public Service Commission whose office is at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska 68508.
2. Defendant, Mikes' Moving, Inc. (Mike's) holds authority under Certificate Number M-14110 as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in Nebraska over irregular routes.
3. Jurisdiction of this Complaint is proper under Neb. Rev. Stat. § 75-101 et seq. and § 75-301 et seq.
4. Defendant was hired by Mike and Carol Morton of Omaha, Nebraska to perform a household goods move of items contained within their dwelling from 3808 N. 60th to 14516 Locust Street in Omaha, Nebraska on December 10, 2002.
5. Defendant performed the household goods move described in paragraph 4 of this Complaint.
6. Upon information and belief, Defendant, failed to offer insurance or otherwise failed to execute a proper Bill of Lading to Mike and Carol Morton in

connection with the move described in paragraph 4 of this Complaint.

7. The Morton's sustained damages stemming from the movement described in paragraph 4 of this Complaint to the home and articles moved including but not limited to, damage to framed artwork, a gun safe, and a bookcase.
8. After such alleged damage occurred, Mike's offered to compensate the Morton's for their loss.
9. After the \$2,600.00 estimate was tendered to Defendant, Defendant failed to compensate the Morton's for any damage sustained.
10. A failure of a household goods mover to execute a proper Bill of Lading is a violation of the Nebraska Official Intracity Household Goods Tariff 22, Item 40.
11. The offer of Defendant to compensate the Morton's for damages sustained and the failure of Defendant to either fix or replace such items as promised may be due to lack of fitness by said Defendant.

WHEREFORE, Complainant prays that the Nebraska Public Service Commission find all allegations complained of true and correct and request relief including but not limited to administrative penalties for violation of the household goods movers tariff, an order requiring Defendant to fix or replace items damaged during the move, and in the alternative, and order revoking, modifying or suspending the certificate of public convenience and necessity held by Defendant in M-14110 in addition to any other remedy available within the Commission's jurisdiction.

RESPECTFULLY SUBMITTED,



Shanicee Knutson #21833

Staff Attorney

Nebraska Public Service Commission

300 The Atrium Building

1200 N Street

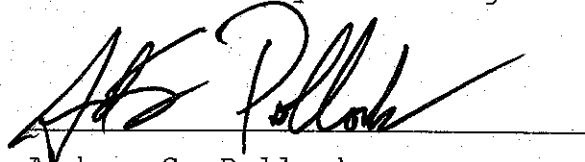
Lincoln, Nebraska 68508

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State of Nebraska)
) ss
County of Lancaster)

VERIFICATION

Andrew S. Pollock, being first duly sworn on oath, deposes and says that I am the duly-appointed Director of the Motor Transportation Department of the Nebraska Public Service Commission; that I am the Complainant in the foregoing pleading; that I have read the allegations contained therein; and understand them to be true to the best of my knowledge and belief.


Andrew S. Pollock

SUBSCRIBED AND SWORN to before me on this 3rd day of June, 2003.





Notary Public

SEAL

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above Complaint was sent by First Class United States Mail postage prepaid on June 4, 2003 to the following:

Mike's Moving, Inc.
P.O. Box 34242
Omaha, Nebraska 68134-0242


Shanicee Knutson #21833

N O T I C E

1. Pursuant to Neb. Admin. R. & Regs., title 291, chapter 1, section 005.09, the Respondent(s) is hereby notified that 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 Respondent may assert. The answer shall be filed with the Commission within twenty (20) days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint. Failure to file an 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.
2. Pursuant to Neb. Rev. Stat. § 75-156, the Commission may impose an administrative penalty not to exceed ten thousand dollars (\$10,000.00) for each violation per day up to two million dollars (\$2,000,000) per violation per year.

