

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Andy S. Pollock, Director,) MOTOR CARRIER COMPLAINT 3153
Motor Transportation Department,))
Nebraska Public Service))
Commission,) DISMISSED IN PART AND
Lincoln, Nebraska,) SUSTAINED IN PART
))
Complainant,))
))
vs.) ENTERED: APRIL 14, 2004
))
Fantasy Limousine))
N.E. Nebraska Daycare))
R & J Limo Services, Inc.))
VIP Limo Service (Crofton)))
Wade Bus Lines))
All-Star Moving & Storage))
Benson Transfer & Storage Co.))
Mike's Moving, Inc.))
Movers Not Shakers))
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 2004 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 6, 2004, 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:

MOTOR CARRIER COMPLAINT NO. 3153

PAGE TWO

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, 2003.

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:

Movers Not Shakers
N.E. Lincoln Daycare
Murphy Moving
Benson Transfer & Storage

Furthermore, the following defendant's certificate was revoked by other action of the Commission. Therefore, the complaint against this defendant in this action should be dismissed:

Mike's Moving, Inc.

Furthermore, the following defendants requested suspension of their certificate prior to the hearing held in this matter and the Commission subsequently granted their request for suspension. Therefore, the complaint against the following defendants should be dismissed:

Fantasy Limousine
R & J Limo Services, Inc.

Furthermore, the following defendants requested revocation of their Certificate prior to the sustaining of the complaint. Therefore, the complaint against these defendants should be dismissed:

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

MOTOR CARRIER COMPLAINT NO. 3153

PAGE THREE

VIP Limo Service
Wade Bus Lines

The following defendant has not 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 defendant should be sustained:

All-Star Moving & Storage

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3153 be, and it is hereby, sustained in part and dismissed in part.


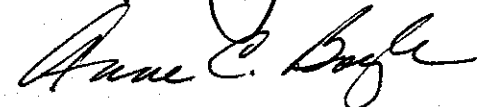
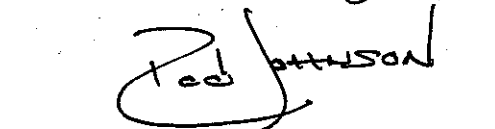
IT IS FURTHER ORDERED that the complaint against Fantasy Limousine, N.E. Nebraska Daycare, R & J Limo Services, Inc., VIP Limo Service (Crofton), Wade Bus Lines, Benson Transfer & Storage Co., Mike's Moving, Inc., Movers Not Shakers, and Murphy Moving be, and is hereby dismissed.

IT IS FURTHER ORDERED that the complaint against All-Star Moving & Storage be, and it is hereby sustained.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of April, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman



ATTEST:


Executive Director

//s//Frank E. Landis

//s//Gerald L. Vap

MOTOR CARRIER COMPLAINT 3153

PAGE FOUR

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 15th day of April, 2004.

Mark Breiner

Mark Breiner

EXHIBIT A

Fantasy Limousine
N.E. Nebraska Daycare
R & J Limo Services, Inc.
VIP Limo Service (Crofton)
Wade Bus Lines
All-Star Moving & Storage
Benson Transfer & Storage Co.
Mike's Moving, Inc.
Movers Not Shakers
Murphy Moving