

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Mark J. Breiner, Director,) MOTOR CARRIER COMPLAINT 3156
Motor Transportation Department,)
Nebraska Public Service)
Commission,) MOTION TO RECONSIDER
Lincoln, Nebraska,) AND ORDER REINSTATING
Complainant,)
vs.) ENTERED: FEBRUARY 22, 2006
A1 Limousine Services, LLC)
BJ Tours, Inc.)
Black Tie Limousine, Inc.)
Central Limo Service)
N.E. Lincoln Daycare)
Neb. Game & Parks Commission)
Omaha Limousine)
RT Round Trip Transport)
VIP Limobus LLC)
VIP Limousine LLC)
A-J Moving Service)
Ford Storage & Moving Co.)
Hot Shot Deliveries LLC)
Lincoln Moving Services)
Nebraskaland Moving & Storage)
Pawnee Transfer, Inc.)
Shasteen Transfer and Storage)
Shipper's Transportation, Inc.)
Smitty's Van & Storage Co.)
Transfer 88.)
Respondents.)

BY THE COMMISSION:

The Nebraska Public Service Commission hereby reconsiders, on its own motion, its revocation, on April 5, 2005, of Certificate M-12185 held by Smitty's Van and Storage.

On April 22, 2005, the Commission received information from Richard Brooks, owner of Smitty's Van and Storage; regarding health problems and other issues that he claims caused him to fail to secure his plates in a timely manner. According to Mr. Brooks, he was in the hospital during most of February and March

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of 2005 due to surgery for colon cancer. The certified letter sent by Commission staff was signed for by Ray Krivanek on March 3, 2005, but not delivered by Mr. Krivanek to Mr. Brooks until April 21, 2005.

Commission staff interviewed Mr. Brooks and did find evidence of the surgery. Mr. Brooks stated that he had been away from the business for a few months, and would have paid for the plates if he would have timely received the March letter from Mr. Krivanek. Mr. Brooks states that his company only does business in Nebraska, that he will be out of business without his certificate, and requested that the Commission reinstate his authority.

Mr. Krivanek was also interviewed by Commission staff. During that interview, he did admit to receiving the letter in March and admitted that he failed to deliver it to Mr. Brooks until about April 21, 2005. He stated that he hoped that he did not cause any difficulty for Mr. Brooks by his failure to deliver the letter.

An examination of the history of Smitty's Van and Storage shows that, while they have appeared on the failure to purchase plates docket on numerous occasions in the past, they have always paid their plate fees before any revocation was necessary. There are also special circumstances involved in this matter that were out of the control of Smitty's Van and Storage, specifically the health problems endured by Mr. Brooks and the failure to timely deliver the March 2005 letter by Mr. Krivanek. The Commission urges Mr. Brooks to pay for his plates in a more timely manner so that a similar circumstance will not occur in the future.

Under the special circumstances presented in this matter, the Commission is of the opinion that Certificate M-12178 should be reinstated.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Certificate M-12185, held by Smitty's Van and Storage, is hereby reinstated.


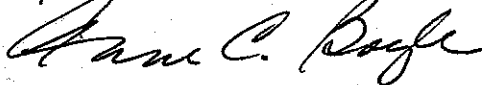
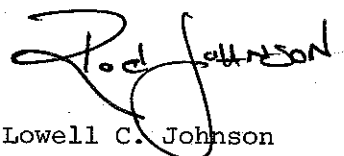
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MADE AND ENTERED at Lincoln, Nebraska, this 22nd day of February, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s// Lowell C. Johnson
//s// Frank E. Landis


Chairman

ATTEST:


Executive Director

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