

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Mark J. Breiner, Director,	)	MOTOR CARRIER COMPLAINT 3157
Motor Transportation Department,	)	
Nebraska Public Service	)	
Commission,	)	DISMISSED IN PART
Lincoln, Nebraska,	)	SUSTAINED IN PART
	)	
Complainant,	)	
	)	
vs.	)	ENTERED: APRIL 18, 2006
	)	
Abbott Transportation, Inc.	)	
JNS Limo Service	)	
Katman Express	)	
Graebel/Omaha Movers, Inc.	)	
Hanson Transfer, Inc.	)	
Transfer 88	)	
	)	
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 2003). 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 2006 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 11, 2006, 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

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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 1, 2005.

The following defendants have adequately complied with the provisions of Neb. Rev. Stat., section 75-305 (Reissue 2003) 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:

Abbott Transportation  
Graebel/Omaha Movers, Inc.  
Transfer 88

Furthermore, the following defendant(s) 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 defendant(s) should be dismissed:

Hanson Transfer, Inc.  
Katman Express

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3157 be, and it is hereby, dismissed in part and sustained in part.

IT IS FURTHER ORDERED that the complaint against Abbott Transportation, Inc., Graebel/Omaha Movers, Inc., Hanson Transfer, Inc., Katman Express, and Transfer 88, be and is hereby dismissed, and the complaint against JNS Limo Service, be and is hereby sustained, and its certificate revoked.

MADE AND ENTERED at Lincoln, Nebraska, this 18<sup>th</sup> day of April, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Ann C. Boyle*

*Red Johnson*

//s// Frank E. Landis

//s// Gerald L. Vap

ATTEST:

Chairman

Executive Director

*Gerald L. Vap*  
(Acting)  
*AdS*  
*Pollack*