

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Mark J. Breiner, Director,) MOTOR CARRIER COMPLAINT 3163
Motor Transportation Department,)
Nebraska Public Service)
Commission,) DISMISSED IN PART
Lincoln, Nebraska,) SUSTAINED IN PART
)
Complainant,)
)
vs.) ENTERED: APRIL 15, 2008
)
Eppley Transportation Services)
Qualified Developments, Inc.)
Stella Counseling Services, PC)
Touch of Class Limousine)
Graebel/Omaha Movers, Inc.)
Mid-America Transfer, Inc.)
Miracle Movers, Inc.)
Nebraskaland Moving & Storage)
Smitty's Van & Storage Co.)
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 2007 as required. Notice of the complaint and hearing was sent by certified mail to the defendants.

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 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, 2007.

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:

Qualified Developments, Inc.
Nebraskaland Moving & Storage
Eppley Transportation Services, Inc.
Miracle Movers, Inc.
Graebel/Omaha Movers, Inc.
Transfer 88
Touch of Class Limousine

Furthermore, the following defendant(s) have not 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 Carrier Rules and Regulations concerning the obligation of defendants to pay annual fees. Therefore, the complaint against the following defendant should be sustained.

Stella Counseling Services, PC
Mid-America Transfer, Inc.
Smitty's Van & Storage Co.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3163 be, and it is hereby, dismissed in part and sustained in part. The certificates held by Stella Counseling Services, PC, Mid-America Transfer, Inc., and Smitty's Van & Storage Co., are hereby revoked.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of April, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

MOTOR CARRIER COMPLAINT 3163

PAGE 3

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of April, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Gerald L. Up

Frank E. Landis

Tim Schram

//s// Anne C. Boyle

//s// Frank E. Landis

ATTEST:

Anne C. Boyle

Chair

Michael D. S.

Executive Director