

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Mark J. Breiner, Director,) MOTOR CARRIER COMPLAINT 3172
Motor Transportation Department,)
Nebraska Public Service)
Commission,) DISMISSED
Lincoln, Nebraska,)
Complainant,)
vs.) ENTERED: MARCH 30, 2010
Black Tie Limousine, Inc.)
Dashabout Roadrunner, Inc.)
Jone-Z Party Bus)
Terry L. Blakey Enterprises)
Choice Medical Transportation)
Your Own Limousine)
Ford Storage and Moving Co.)
Movers Not Shakers)
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 2010 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

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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, 2009.

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:

Black Tie Limousine, Inc.
 Dashabout Roadrunner, Inc.
 Jone-Z Party Bus
 Terry L. Blakey Enterprises
 Choice Medical Transportation
 Your Own Limousine
 Ford Storage & Moving Co.
 Movers Not Shaking

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3172 be, and it is hereby, dismissed.

The hearing previously scheduled for April 6, 2010, at 1:30 p.m., in the Commission Hearing Room is hereby canceled.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of March, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Red Johnson
Aune Toft
Tim Schrom

//s// Gerald L. Vap

Chairman

Gerald L. Vap

ATTEST:

Executive Director

Phil [Signature]