

**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**

Mark Breiner, Director,	)	MOTOR CARRIER COMPLAINT 3179
Motor Transportation Department,	)	
Nebraska Public Service	)	
Commission,	)	DISMISSED IN PART
Lincoln, Nebraska,	)	SUSTAINED IN PART
	)	
Complainant,	)	
	)	
vs.	)	
	)	
OTIT, Inc. (City Taxi)	)	
Coach America Crew Transport	)	
Kincaid Coach Lines, Inc.	)	
OMALiNK, Inc.	)	
OPR Express, Inc.	)	
Prestige Limo	)	
Safe & Sound Productions	)	
SMC Shared Mobility Coach	)	
Jerry Spady Cadillac GMC	)	
Starsky's	)	
Curtis E. Service	)	
Hot Shot Deliveries, Inc.	)	
Murphy Moving, Inc.	)	
Western Nebraska Moving & Stor.	)	
	)	
Respondents.	)	ENTERED: MAY 1, 2012

BY THE COMMISSION:

The Complainant in the matter in caption filed a motor carrier complaint and Order to Show Cause against the Respondents 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. Notice of the complaint and hearing was sent by certified mail to the Respondents. A hearing was held on the complaint on April 24, 2012, in the Commission Hearing Room. No defendant made an appearance at the hearing.

**EVIDENCE**

Mark Breiner testified before the Commission. He is the Director of the Motor Transportation Department. He testified that the Respondents 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 Respondents to pay annual fees, the Commission requires regulated motor carriers to pay the Commission an annual fee for each motor vehicle operated by January 1 of each year. The Respondents were notified of such requirement by first class mail on November 5, 2012.

The fourteen listed Respondents had not paid their annual fees by March 1, 2012, as required. Since the filing of this complaint, the following Respondents 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 Respondents to pay annual fees:

Kincaid Coach Lines, Inc.  
OMALiNK, Inc  
Prestige Limo  
Jerry Spady Cadillac GMC  
Starsky's  
Curtis E Service  
Hot Shot Deliveries, Inc.  
Murphy Moving, Inc.  
Western Nebraska Moving & Storage  
Coach America Crew Transport

Mr. Breiner requested that the complaint against these Respondents be dismissed.

The following Respondent revoked its certificate prior to the hearing on April 24, 2012:

OPR Express, Inc.

The following Respondent has suspended its certificate prior to the hearing on April 24, 2012:

Kincaid Coach Lines, Inc.

Mr. Breiner asked that the complaint be sustained against the following Respondents, each of which has not responded to the notice of hearing prior to the hearing on April 24, 2012, and that the Commission revoke their authority:

Safe and Sound Productions  
OTIT, Inc. (City Taxi)  
SMC Shared Mobility Coach

OPINION AND FINDINGS

Being fully advised in the premises, the Commission is of the opinion and finds that the complaint should be dismissed in part and sustained in part as follows: the complaint as filed against Kincaid Coach Lines, Inc., OMALiNK, Inc., Prestige Limo, Jerry Spady Cadillac GMC, Starsky's, Curtis E Service, Hot Shot Deliveries, Inc., Murphy Moving, Inc., Western Nebraska Moving & Storage, Coach America Crew Transport, OPR Express, Inc., and Kincaid Coach Lines should be dismissed; that the complaint as filed against Safe and Sound Productions, OTIT, Inc. (City Taxi) and SMC Shared Mobility Coach should be sustained and said certificates revoked.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3179 be, and it is hereby, dismissed in part and sustained in part.

IT IS FURTHER ORDERED that the complaint against Kincaid Coach Lines, Inc., OMALiNK, Inc., OPR Express, Inc., Prestige Limo, Jerry Spady Cadillac GMC, Starsky's, Curtis E Service, Hot Shot Deliveries, Inc., Murphy Moving, Inc., Western Nebraska Moving & Storage, and Coach America Crew Transport be, and is hereby dismissed.

IT IS FURTHER ORDERED that the complaint against Safe and Sound Productions, OTIT, Inc. (City Taxi), and SMC Shared Mobility Coach be, and it is hereby sustained, and that said certificates are hereby revoked..

MADE AND ENTERED at Lincoln, Nebraska, this 1<sup>st</sup> day of May, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motor Carrier Complaint 3179 was sent by registered mail to the Respondents on the 1<sup>st</sup> day of May, 2012.

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Mark Breiner

EXHIBIT A

OTIT, Inc. (City Taxi)  
Coach America Crew Transport  
Kincaid Coach Lines, Inc.  
OMALiNK, Inc.  
OPR Express, Inc.  
Prestige Limo  
Safe and Sound Productions  
SMC Shared Mobility Coach  
Jerry Spady Cadillac GMC  
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Safe and Sound Productions  
OTIT, Inc. (City Taxi)  
SMC Shared Mobility Coach

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IT IS FURTHER ORDERED that the complaint against Safe and Sound Productions, OTIT, Inc. (City Taxi), and SMC Shared Mobility Coach be, and it is hereby sustained, and that said certificates are hereby revoked..

MADE AND ENTERED at Lincoln, Nebraska, this 1<sup>st</sup> day of May, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*

*Frank Landis*

//s// Rod Johnson.  
//s// Frank Landis

Chairman

ATTEST:

*Michael J. [Signature]*  
Executive Director

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