

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Mark Breiner, Director,)	MOTOR CARRIER COMPLAINT 3181
Motor Transportation Department,)	
Nebraska Public Service)	
Commission,)	DISMISSED
)	
Complainant,)	
)	
vs.)	ENTERED: JUNE 25, 2013
)	
Divine Destinations)	
OMALiNK, Inc.)	
Starsky's)	
Curtis E. Service)	
)	
Defendants.)	

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 2004 as required. Notice of the complaint and hearing was sent by certified mail to the defendants. A hearing was scheduled on the complaint for April 9, 2013, in the Commission Hearing Room. The hearing was subsequently cancelled as the Defendants complied with the requirement of licensing their vehicles.

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, 2012.

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:

Divine Destinations
OMALiNK, Inc.
Starsky's
Curtis E. Service

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3153 be, and it is hereby, dismissed.

IT IS FURTHER ORDERED that the complaint against Divine Destinations, OMALiNK, Inc., Starsky's, and Curtis E. Service be, and is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 25TH day of June, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ORDER TO SHOW CAUSE was sent by registered mail to the defendants on the 25th day of June, 2013.

Mark Breiner

EXHIBIT A

Divine Destinations
OMALiNK, Inc.
Starsky's
Curtis E. Service

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COMMISSIONERS CONCURRING:

//s//Anne C. Boyle
//s//Frank E. Landis


Chair

ATTEST:


Executive Director