

**BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION**

Mark Breiner, Director,	)	MOTOR CARRIER COMPLAINT 3185
Motor Transportation Department,	)	
Nebraska Public Service	)	
Commission,	)	DISMISSED IN PART
Lincoln, Nebraska,	)	SUSTAINED IN PART
	)	
Complainant,	)	
	)	
vs.	)	
	)	
Ameristar Tours LLC	)	
Black Tie Limousine, Inc.	)	
Dashabout Roadrunner, Inc.	)	
Denver Coach, Inc.	)	
Haleel Medical Transportation	)	
Laidback Limousine, Inc.	)	
Omaha Bar Scene	)	
Omaha Fiesta Bus	)	
Prince & Princess Limousine	)	
Curtis E. Service	)	
Freight Train Express	)	
	)	
	)	
Respondents.	)	ENTERED: APRIL 15, 2014

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 8, 2014, 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 4, 2013.

The eleven listed Respondents had not paid their annual fees by March 1, 2014, 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:

Ameristar Tours, LLC  
Black Tie Limousine  
Dashabout Roadrunner, Inc.  
Denver Coach, Inc.  
Freight Train Express, LLC  
Haleel Medical Transportation  
Laidback Limousine, Inc.

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

The following Respondents have suspended their certificates prior to the hearing on April 8, 2014:

Omaha Fiesta Bus  
Prince & Princess Limousine

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 8, 2014, and that the Commission revoke their authority:

Omaha Bar Scene  
Curtis E. Service

## 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 Ameristar Tours, LLC, Black Tie Limousine, Dashabout Roadrunner, Inc., Denver Coach, Inc., Freight Train Express, LLC, Haleel Medical Transportation, Laidback Limousine, Inc., Prince & Princess Limousine, and Omaha Fiesta Bus, should be dismissed; that the complaint as filed against Omaha Bar Scene, and Curtis E. Service should be sustained and said certificates revoked.

## ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3185 be, and it is hereby, dismissed in part and sustained in part.

IT IS FURTHER ORDERED that the complaint against Ameristar Tours, LLC, Black Tie Limousine, Dashabout Roadrunner, Inc., Denver Coach, Inc., Freight Train Express, LLC, Haleel Medical Transportation, Laidback Limousine, Inc., Prince & Princess Limousine, and Omaha Fiesta be, and is hereby dismissed.

IT IS FURTHER ORDERED that the complaint against Omaha Bar Scene, and Curtis E. Service, be, and it is hereby sustained, and that said certificates are hereby revoked.

MADE AND ENTERED at Lincoln, Nebraska, this 15<sup>th</sup> day of April, 2014.

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 3185 was sent by registered mail to the Respondents on the 15<sup>th</sup> day of April, 2014.

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Mark Breiner

EXHIBIT A

Ameristar Tours LLC  
Black Tie Limousine, Inc.  
Dashabout Roadrunner, Inc.  
Denver Coach, Inc.  
Haleel Medical Transportation  
Laidback Limousine, Inc.  
Omaha Bar Scene  
Omaha Fiesta Bus  
Prince & Princess Limousine  
Curtis E. Service  
Freight Train Express

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

  
Vice Chairman

ATTEST:

  
Executive Director

  
  
//s//Tim Schram  
//s//Gerald L. Vap