

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Mark Breiner, Director,)	MOTOR CARRIER COMPLAINT 3188
Motor Transportation Department,)	
Nebraska Public Service)	
Commission,)	DISMISSED IN PART
Lincoln, Nebraska,)	SUSTAINED IN PART
)	
Complainant,)	
vs.)	
)	
Eppley Transportation Services)	
Ameristar Tours LLC)	
Big O's Party Bus)	
Caring People Sudan)	
Denver Coach, Inc.)	
Lawrence Enterprises, Inc.)	
Qualified Developments, Inc.)	
South Sioux Taxi)	
Teenie Weenie Buses, LLC)	
Tree City Cab Company (Allgood))	
Movers, Inc.)	
Scottsbluff Transfer & Storage)	
Select Van & Storage Company)	
Vaughn's Moving Company, Inc.)	
)	
Respondents.)	ENTERED: APRIL 21, 2015

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 2014). 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 14, 2015, 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, 2014.

The fourteen listed Respondents had not paid their annual fees by March 1, 2015, 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 2014) 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:

Big O's Party Bus
Caring People Sudan
Denver Coach, Inc.
Lawrence Enterprises, Inc.
Qualified Developments, Inc.
South Sioux Taxi
Tree City Cab Company (Allgood)
Select Van & Storage Company
Vaughn's Moving Company, Inc.

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

The following Respondent has suspended its certificate prior to the hearing on April 14, 2015:

AmeriStar Tours, LLC

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 14, 2015, and that the Commission revoke their authority:

Eppley Transportation Services
Movers, Inc.
Teenie Weenie Buses, LLC
Scottsbluff Transfer and Storage

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, Big O's Party Bus, Caring People Sudan, Denver Coach, Inc., Lawrence Enterprises, Inc., Qualified Developments, Inc., South Sioux Taxi, Tree City Cab Company (Allgood), Select Van & Storage Company, and Vaughn's Moving Company, Inc., should be dismissed; that the complaint as filed against Eppley Transportation Services, Inc., Teenie Weenie Buses, LLC, Movers, Inc., and Scottsbluff Transfer and Storage, should be sustained and said certificates revoked.

ORDER

IT IS, THEREFORE, ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3188 be, and it is hereby, dismissed in part and sustained in part.

IT IS FURTHER ORDERED that the complaint against Ameristar Tours, LLC, Big O's Party Bus, Caring People Sudan, Denver Coach, Inc., Lawrence Enterprises, Inc., Qualified Developments, Inc., South Sioux Taxi, Tree City Cab Company (Allgood), Select Van & Storage Company, and Vaughn's Moving Company, Inc., be, and is hereby dismissed.

IT IS FURTHER ORDERED that the complaint against Eppley Transportation Services, Teenie Weenie Buses, LLC, Movers, Inc., and Scottsbluff Transfer and Storage, be, and it is hereby sustained, and that said certificates are hereby revoked.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motor Carrier Complaint 3188 was sent by registered mail to the Respondents on the 22nd day of April, 2015.

Mark Breiner

EXHIBIT A

Eppley Transportation Services)
Ameristar Tours LLC)
Big O's Party Bus)
Caring People Sudan)
Denver Coach, Inc.)
Lawrence Enterprises, Inc.)
Qualified Developments, Inc.)
South Sioux Taxi)
Teenie Weenie Buses, LLC)
Tree City Cab Company (Allgood))
Movers, Inc.)
Scottsbluff Transfer & Storage)
Select Van & Storage Company)
Vaughn's Moving Company, Inc.)

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MADE AND ENTERED at Lincoln, Nebraska, this 21st day of April, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Red Johnson

//s//Frank E. Landis

//s//Gerald L. Vap

Gerald L. Vap
Chairman

ATTEST:

Steve Meradith
Executive Director

COMMISSIONERS DISSENTING:

Crystal Rhoades

DISSENT OF COMMISSIONER CRYSTAL RHOADES:

Commissioner Rhoades voted nay on this order because she did not receive the order prior to the Commission meeting and did not have sufficient time to review the order.