



move, on March 29, 2016 in Grand Island, Nebraska, was completed for \$800.00. The second move, completed on November 30, 2015, was a completed move between Doniphan, Nebraska and Kearney, Nebraska for \$1,330.00. Ms. Reyes stated that the Department first investigated Mr. Christensen in 2012, where he was told to cease and desist and informed of the required authority and insurance necessary to operate as a household goods mover in Nebraska. When asked by Commissioner Schram whether any citations had been written by Department investigators against Mr. Christensen, Ms. Reyes called Mr. Robert Harrison to testify.

Mr. Robert Harrison provided testimony on behalf of Commission staff. Mr. Harrison is an investigator for the Motor Transportation Department. Mr. Harrison testified that he issued two citations to Mr. Christensen. According to Mr. Harrison, the first citation, in 2012, resulted in Mr. Christensen being fined \$200.00 plus court costs in Hall County court. Citations written by Mr. Harrison against Mr. Christensen were entered into the record as late-filed Exhibit Number 7. Mr. Harrison also stated that Mr. Christensen had violated federal regulations when he completed an interstate household goods move without the appropriate authority.

Mr. Harrison testified that he interviewed the two customers involved in the intrastate moves in question in this Complaint. Mr. Harrison confirmed that in one instance, Mr. Christensen had the customer rent a truck from U-Haul in their name and Mr. Christensen picked up the truck, drove the truck, loaded and unloaded the goods, and returned the truck. In the second move in Grand Island, Mr. Christensen provided the truck for the move.

Finally, Ms. Reyes closed by asking that the Commission deem all allegations as admitted and enter a cease and desist order and any other relief that the Commission deemed appropriate based upon the evidence presented.

#### O P I N I O N   A N D   F I N D I N G S

Nebraska statutes defines a common carrier as any person who undertakes to transport persons or household goods for the general public in intrastate commerce by motor vehicle for hire.<sup>1</sup>

<sup>1</sup> Neb. Rev. Stat. § 75-302(6).

Pursuant to NEB. REV. STAT. § 75-309 states that it is unlawful for a common carrier to engage in intrastate operations in Nebraska without a certificate of public convenience and necessity issued by the Commission. Additionally, NEB. REV. STAT. § 75-307 requires all certificated carriers to comply with Commission rules regarding required filings for insurance policies. All household goods movers must have current liability insurance on file as evidenced by Form E (liability) and Form H (cargo) filings with the Commission.<sup>2</sup>

The Complaint alleges that Mr. Christensen was operating in the Grand Island area as a household goods mover without holding a Certificate of Public Convenience and Necessity or having the necessary insurance as required by law since about 2012. Despite Commission investigators issuing citations to Defendant, Defendant continued to operate without the proper authority and insurance. Commission investigators were able to document the completion of two moves for which Mr. Christensen collected \$2,130 in total payment. During the time that each move was completed, Defendant did not hold the proper authority from the Commission nor the proper insurance.

According to Rule 005.09A of the Commission Rules of Procedure, failure to file an Answer to a Complaint within twenty (20) days of service of the Complaint will be construed as an admission of the allegations in the Complaint except for good cause shown. The certified mail return receipt, received as Exhibit 1, shows that Mr. Christensen received service of the Complaint and signed the return receipt. Additionally, Mr. Christensen never contacted the Commission, responded to attempts to contact him, nor appeared at the hearing. Since Mr. Christensen failed to respond in any way to the allegations in the Complaint, the allegations detailed in the Complaint are deemed as admitted.

Based on the evidence presented, the Commission finds that the complaint against Kyle Christensen, Alda, should be sustained. The Commission finds that Kyle Christensen shall immediately cease and desist from providing services as a household goods mover within the State of Nebraska. Additionally, the Commission finds that a civil penalty of two-thousand one-hundred thirty dollars (\$2,130.00) should be levied against Defendant. This amount is equal to the amount of profit

---

<sup>2</sup> Neb. Admin. Code, Title 291, Ch. 3, § 006.03 and 006.03A.

Application No. MCC-3191

Page 4

that Mr. Christensen made for the two moves at issue in this Complaint. Defendant shall have thirty (30) days from the date of this Order to remit this penalty to the Commission.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Motor Carrier Complaint No. MCC-3191 filed against Kyle Christensen, Alda, be, and is hereby, sustained.

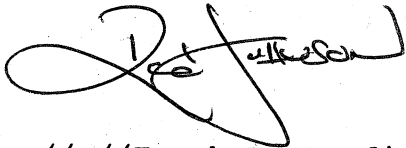
IT IS FURTHER ORDERED that Kyle Christensen cease and desist providing any services as a household goods mover within the State of Nebraska.

IT IS FINALLY ORDERED that Kyle Christensen be, and is hereby, assessed a civil penalty in the amount of two-thousand one-hundred thirty dollars (\$2,130.00) for violations of state statutes and Commission rules.

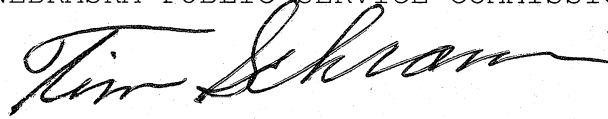
ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 8<sup>th</sup> day of November, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

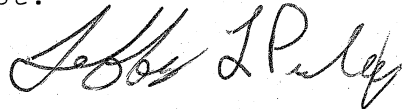


//s//Frank E. Landis  
//s//Tim Schram  
//s//Crystal Rhoades



Chairman

Attest:



Executive Director