

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Mark J.)	Application No. MCC-3191
Breiner, Director of the Motor)	
Transportation Department of the)	
Nebraska Public Service)	
Commission,)	
)	
Complainant,)	COMPLAINT
)	
v.)	
)	
Kyle Christensen, Alda,)	
)	
Defendant.)	Entered: June 1, 2016

COMES NOW Mark J. Breiner, Director of the Motor Transportation Department ("Complainant") of the Nebraska Public Service Commission ("Commission") for Complaint against Kyle Christensen, Alda, Nebraska, ("Defendant") specifically as follows:

1. Complainant is the Director of the Motor Transportation Department of the Nebraska Public Service Commission, whose office is at 300 The Atrium Building, 1200 N Street, Lincoln, Nebraska 68508.
2. Defendant resides in Alda, Nebraska.
3. Jurisdiction of this Complaint is proper under Neb. Rev. Stat. §§ 75-101 et. seq. and §§ 75-301 et. seq.
4. Pursuant to Neb. Rev. Stat. § 75-302(6) (Supp. 2015), a common carrier is defined as any person who undertakes to transport passengers or household goods for the general public in intrastate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of the state.
5. Pursuant to Neb. Rev. Stat. § 75-307 (Supp. 2015), all certificated carriers must comply with Commission rules regarding required filings for insurance policies.
6. Neb. Admin. Code, Title 291, Ch. 3, § 006.01 requires all motor carriers to have liability insurance coverage.

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7. Pursuant to Neb. Rev. Stat. § 75-309 (Supp. 2015), 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 which authorizes such operations.
8. About June 2012, Complainant received a report that Defendant was providing service as a household goods mover in the Grand Island area without Commission authority and proper insurance. Pursuant to Commission policy, Complainant sent a letter to Defendant advising that Commission authority was necessary in order to operate his household goods moving service for hire in Nebraska.
9. Subsequent to the letter, the Commission received information that Defendant continued to perform household goods moves in the Grand Island, Nebraska, area.
10. On November 30, 2015, Defendant performed a move between Doniphan, Nebraska, and Kearney, Nebraska, at the request of Tom and Beth Gardner of Doniphan, Nebraska.
11. Defendant submitted billings to Mr. and Mrs. Gardner in the amount of \$1,330.00 for the move performed on November 30, 2015. These bills were subsequently paid by Mr. and Mrs. Gardner to Defendant.
12. On March 29, 2016, Defendant performed a move wholly within Grand Island, Nebraska at the request of Hector Rubio of Grand Island, Nebraska.
13. Defendant submitted billings to Mr. Rubio in the amount of \$800.00 for the move performed on March 29, 2016. These bills were subsequently paid by Mr. Rubio to Defendant.
14. Complainant alleges that Defendant did not hold a Certificate of Public Convenience and Necessity issued by the Commission when he completed the moves on November 30, 2015, and March 29, 2016, in violation of Neb. Rev. Stat. § 75-309.
15. Complainant alleges that Defendant did not have proper insurance in effect and on file with the Commission when he completed the moves on November 30, 2015 and March 29, 2016 in violation of Neb. Rev. Stat. § 75-307 and Neb. Admin. Code, Title 291, Ch. 3 § 006.01.

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WHEREFORE, Complainant prays that the Commission find all allegations complained of true and correct and request relief including but not limited to administrative penalties for violations of the Nebraska Statutes and Commission Rules set forth in the Complaint, an order requiring Defendant to cease and desist in all operations, and any other remedy available within the Commission's jurisdiction.

RESPECTFULLY SUBMITTED,

Mark J Breiner

Mark J. Breiner #18286
Staff Attorney/Director
Motor Transportation Department
Nebraska Public Service Commission
300 The Atrium
1200 N Street
Lincoln, Nebraska 68508

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State of Nebraska)
) ss.
County of Lancaster)

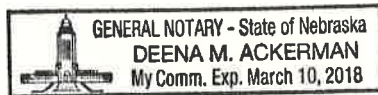
VERIFICATION

Mark J. Breiner, being first duly sworn on oath, deposes and says that I am the duly-appointed Director of the Motor Transportation Department of the Nebraska Public Service Commission; that I am the Complainant in the foregoing pleading; that I have read the allegations contained therein; and understand them to be true to the best of my knowledge and belief.

Mark J Breiner

Mark J. Breiner

SUBSCRIBED AND SWORN to before me on this 1st day of June, 2016.



SEAL

Deena M. Ackerman
Notary Public

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing COMPLAINT was mailed postage prepaid by U.S. Mail to Mr. Kyle Christensen at PO Box 246, Alda, Nebraska, this 1st day of June, 2016.



Mark J. Breiner #18286

N O T I C E

1. Pursuant to Neb. Admin. R. & Regs., Title 291, Chapter 1, Section 005.09, the Defendant is hereby notified that an answer to this complaint shall be filed with the Nebraska Public Service Commission at 300 The Atrium, 1200 N Street, P.O. Box 94927, Lincoln, Nebraska 68509. The answer shall admit or deny each material allegation of the complaint. The answer shall assert any affirmative defenses which the Defendant may assert. The answer shall be filed with the Commission within twenty (20) days after service of the complaint. Except for good cause shown, failure to answer will be construed as an admission of the allegations in the complaint.
2. Failure to file an answer or to appear at the hearing allows the Commission to (a) immediately enter an order assessing a civil penalty as provided by law; or (b) to proceed with the hearing and receive evidence of the alleged violation and to assess a civil penalty as provided by law.
3. Pursuant to Neb. Rev. Stat. Section 75-156, the Commission may impose an administrative penalty not to exceed ten thousand dollars (\$10,000) for each violation per day up to two million dollars (\$2,000,000) per violation per year.