

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jamie Reyes, Director, Motor) Docket No. MCC-3196.01
Transportation Department,)
Nebraska Public Service)
Commission,)
Complainant,)
vs.)
Alpha Life Improvement)
Services; Bus at the Yard d/b/a)
Luxury Limousine; Caring Hearts)
Transportation; Reliance)
Medical Transportation LLC;)
Heartland Party Bus; Jason's) ORDER TO DISMISS, IN PART
Limousine Service; Kelly)
DeSive; National Health)
Transport; Nebraska Taxi, LLC;)
Ollie the Trolley; Tree City)
Cab Company; Wings of Love; A &)
A Landscaping; American Eagle)
Van Lines, Inc.; Blair Moving;)
Ford Storage & Moving Co.;)
Middle West Movers; Nebraska)
Transport Co., Inc.; and Smoldt)
Moving & Storage, Inc.,)
Respondents.) Entered: April 9, 2019

BY THE COMMISSION:

On March 5, 2018, Jamie Reyes, Director of the Motor Transportation Department ("Complainant") filed a complaint against the above-captioned Respondents alleging violation of NEB. REV. STAT. § 75-305 (Cum. Supp. 2016). Complainant alleges that Respondents failed to timely file the annual fees as required by § 75-305 by March 1, 2019. Complainant seeks an order revoking Respondents' Certificates of Public Convenience and Necessity and to require Respondents to cease and desist from offering services as motor carriers pursuant to § 75-133, and/or to assess any such fines authorized by law for failure to remit annual fees in compliance with § 75-305.

Subsequent to the Complaint, the following Respondents remitted the required annual fees to the Commission:

National Health Transport
American Eagle Van Lines, Inc.

These Respondents have complied with § 75-305 by making the proper payments. As this was the first late renewal payment for these Respondents, each Respondent applied for and was granted a waiver of administrative fines. As such, staff recommends that the above-named Respondents should be dismissed from the Complaint. Respondents are on notice that failure to remit future annual fee payments in a timely manner could result in administrative fines and costs.

Additionally, the Commission received the renewal payment for Ford Storage & Moving Co. on March 5, 2019 with a postmark of February 28, 2019. Ford Storage & Moving Co. was granted a waiver for its late renewal payment last year and would not have been eligible for a waiver of any administrative fines for any subsequent year¹; however, company representatives spoke with Commission staff regarding extenuating circumstances resulting in the renewal payment being postmarked prior to the March 1st deadline. Upon consideration of the circumstances, the Commission has determined that a waiver of administrative fines will be granted to Ford Storage & Moving Co., and that the company should be dismissed from the Complaint. Ford Storage & Moving Co. is on notice that no additional waivers will be granted for future late-filed annual fee payments and failure to remit future annual fee payments in a timely manner could result in administrative fines and costs.

Based on the above, the Commission finds that National Health Transport; American Eagle Van Lines, Inc.; and Ford Storage & Moving Co. should be dismissed from the Complaint.

¹ See Docket No. MCC-3196 *Jamie Reyes, Director, Motor Transportation Department, Nebraska Public Service Commission, Complainant, vs. Alpha Life Improvement Services; Big O's Party Bus; Black Tie Limousine, Inc.; Emerald Limousine, Inc.; Good Times Roll GI; Heartland Party Bus; Jason's Limousine Service; Limousine Services, LLC; Midwest Party Bus; Nebraska Taxi, LLC; Chet's Transfer, Inc.; Ford Storage & Moving Co.; Freight Train Express, LLC; Mid-America Relocation, Inc.; Middle West Movers; Monroe Moving; Murphy Moving, Inc.; Red Carpet Moving, LLC; Shasteen Transfer and Storage; Transfer 88; and Liberty Mobility Now, Inc., Respondents, Order Dismissing In Part, Entered April 3, 2018.*

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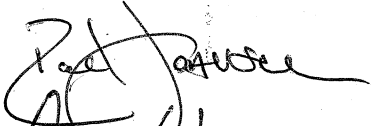
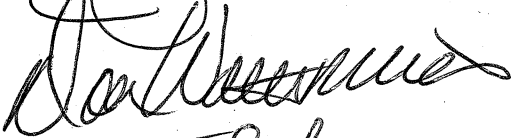

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that National Health Transport; American Eagle Van Lines, Inc.; and Ford Storage & Moving Co. be, and are hereby, dismissed from the Complaint.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 9th day of April, 2019.


NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chair

Attest:


Executive Director