

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Jamie Reyes, Director, Motor)	Docket No. MCC-3196
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;)	ORDER DISMISSING IN PART
Limousine Services, LLC;)	AND SUSTAINING IN PART
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.)	Entered: May 30, 2018

BEFORE THE COMMISSION:

On March 6, 2018, the Motor Transportation Department (Department) of the Nebraska Public Service Commission (Commission) opened the above-captioned docket regarding delinquent annual fee payments, entering an Order setting a show cause proceeding for regulated carriers that had not paid annual fees to the Commission prior to March 1, 2018.

As of March 1, 2018, the following carriers had not paid the appropriate annual fees to the Commission: Alpha Life Improvement Services; Big O's Party Bus; Black Tie Limousine; 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 and Moving Co.; Freight Train Express, LLC; Mid-America Relocation; Middle West Movers; Monroe Moving; Murphy Moving,

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Inc.; Red Carpet Moving, LLC; Shasteen Transfer and Storage; Transfer 88; and Liberty Mobility Now, Inc. Notice of the hearing was sent by certified mail to all affected carriers.

On March 20, 2018, the Commission entered an order dismissing Emerald Limousine, Inc.; Limousine Services, LLC; Middle West Movers; Murphy Moving; Red Carpet Moving, LLC; and Midwest Party Bus from the Complaint.

On March 27, 2018, the Commission entered an order dismissing Big O's Party Bus, LLC; Shasteen Transfer and Storage; and Chet's Transfer, Inc., from the Complaint.

On April 3, 2018, the Commission entered an order dismissing Ford Storage and Moving Co. and Transfer 88 from the Complaint.

On April 17, 2018, the Commission entered an order dismissing Jason's Limousine Service; Nebraska Taxi, LLC; and Heartland Party Bus from the Complaint.

On May 1, 2018, the Commission entered an order dismissing Good Times Roll GI and Alpha Life Improvement Services from the Complaint.

A hearing was held on the complaint on May 1, 2018, in the Commission Hearing Room regarding the remaining Respondents, Black Tie Limousine; Freight Train Express; Mid America Relocation; Monroe Moving; and Liberty Mobility Now, Inc. Ms. Jamie Reyes and Ms. Ellie Rohr appeared on behalf of the Commission. No affected carriers appeared at the hearing.

E V I D E N C E

Ms. Ellie Rohr, staff attorney for the Commission, provided information as to the status of the remaining respondents. Ms. Rohr stated that Freight Train Express filed a revocation form with the Commission on April 26, 2018, entered as Commission Exhibit 8. The Transportation Department recommended dismissing Freight Train Express from the Complaint. The Department will pursue cancellation of the certificate in a separate order.

Ms. Rohr further stated Truck Services notified the Transportation Department Monroe Moving might be out of business. Ms. Rohr contacted Preston Gatus, the owner of the company to confirm this information. Ms. Rohr reached Mr.

Gatus, who confirmed over the phone he was out of business. Ms. Rohr notified him he needed to submit this information in writing and sent a follow up email to the email address he provided (Commission Exhibit 10). Mr. Gatus did not respond to the email. The Transportation Department recommended dismissing Monroe Moving from the Complaint. The Department will pursue revocation of the certificate in a separate order.

Ms. Rohr informed the Commission that Liberty Mobility Now, Inc., filed for Chapter 7 bankruptcy. Valerie Lefler, the former owner of Liberty Mobility Now, notified Department Staff that the Company was no longer operational. The Company had entered Receivership in Ohio; however, the case was moved to Nebraska Bankruptcy Court. Ms. Rohr contacted Phil Kelly, the bankruptcy trustee who was appointed in that matter. Mr. Kelly indicated no one with the company would be able to take action in this matter. Commission Exhibits 11 and 12 included the Bankruptcy filings and the exchange with Mr. Kelly. Based on the company's bankruptcy status, the Transportation Department recommended dismissing the complaint against Liberty Mobility Now. The Department will pursue revocation of the certificate in a separate order.

Finally, Ms. Rohr discussed Black Tie Limousine and Mid-America Relocation, who both received notice of the complaint. Ms. Rohr stated that although both carriers had signed for receipt of the complaint against them, neither carrier contacted the Commission to voluntarily cancel their Certificate of Authority nor respond to the Complaint in any form. Due to these factors, Ms. Rohr recommended that the Commission revoke the certificates for Black Tie Limousine and Mid-America Relocation for failure to comply with NEB. REV. STAT. § 75-305 and Commission Rules and Regulations. Ms. Rohr further recommended Black Tie Limousine and Mid-America Relocation each be fined three-thousand four-hundred dollars (\$3400), pursuant to the fining schedule outlined in the Complaint. Commissioner Johnson asked whether fining would be effective in this situation. Ms. Rohr stated that while the carriers may or may not pay at this time, it was still important to levy the fine. If either carrier were to apply to provide service again, the carrier's file would note the revocation and the fine would need to be paid in order for the carrier to be reinstated.

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

The motor carriers and/or transportation network companies (TNC) subject to this complaint are regulated by the Commission pursuant to Neb. Rev. Stat. §§ 75-101 et. seq. (Supp. 2015), § 75-301 et. seq. (Cum. Supp. 2016), and Title 291, NAC Ch. 3 of Commission Rules and Regulations.

NEB. REV. STAT. § 75-305(1)-(2) requires all regulated motor carriers and transportation network companies to pay an annual fee to the Commission in an amount determined by the Commission not to exceed eighty dollars (\$80) on each motor vehicle operated. Annual fees are due and payable to the Commission on or before January 1 and are considered delinquent March 1.¹

The carriers named in the March 6, 2018, Order failed to timely comply with § 75-305(3). The Commission, therefore, may revoke the certificates of public convenience and necessity issued to the carriers after notice and public hearing.

All Respondents named in the Complaint were dismissed by Commission Order prior to hearing:

Black Tie Limousine, Inc.
Freight Train Express, LLC
Monroe Moving
Mid-America Relocation, Inc.
Liberty Mobility Now, Inc.

Prior to the hearing, it was determined that two carriers were out of business and no longer providing transportation services. Because these carriers have not provided written notice to the Commission regarding the intention to cancel their Certificates or Permits of Authority, the Commission will take action regarding these authorities in separate orders. Therefore, the complaint should be dismissed against the following:

Monroe Moving
Liberty Mobility Now, Inc.

One carrier notified the Commission in writing prior to the hearing that it had ceased operations and wished to cancel its

¹ Neb. Rev. Stat. § 75-305(3) (Supp. 2015).

Certificate of Authority. Therefore, the Complaint should be dismissed against the following:

Freight Train Express

The remaining carriers, Black Tie Limousine, Inc., and Mid-America Relocation, Inc., were notified of the requirements of § 75-305 by first class mail on November 1, 2017, January 5, 2018, and February 7, 2018. The carriers were sent a copy of the March 6, 2018, order and notice of the May 1, 2018, show cause hearing. No representatives from Black Tie Limousine, Inc., or Mid-America Relocation, Inc., appeared at the hearing to show cause as to why their Certificates of Public Convenience and Necessity should not be revoked and fines assessed. Commission staff received no contact from these carriers regarding the annual fees or Complaint, and the carriers did not voluntarily cancel their certificates of authority. Therefore, the Certificates of Public Convenience and Necessity for the following carriers should be revoked:

Black Tie Limousine, Inc.
Mid-America Relocation, Inc.

The Commission further finds that Black Tie Limousine, Inc. and Mid-America Relocation, Inc. shall pay a civil penalty in the amount of three-thousand, four-hundred dollars (\$3,400). Commission Rule of Procedure 027.08B requires any penalty assessed be paid within thirty (30) days from the date the Order is mailed. If the fine is not paid, no subsequent applications for authority will be allowed until the fine is satisfied and the carrier is returned to good standing.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the complaints against Freight Train Express, LLC, Monroe Moving, and Liberty Mobility Now, Inc., be, and are hereby, dismissed.

IT IS FURTHER ORDERED that the complaints against Black Tie Limousine, Inc., and Mid-America Relocation, Inc., be, and are hereby, sustained and the Certificates of Public Convenience and Necessity be, and are hereby, revoked.

IT IS FURTHER ORDERED that the carriers revoked herein shall cease and desist providing service in the State of

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Nebraska as of the effective date of this Order. Any vehicle plates which have been assigned by the Commission must be returned to the Commission within ten (10) days of the effective date of this Order.

IT IS FINALLY ORDERED that civil penalties in the amount of three-thousand four-hundred dollars (\$3,400) are assessed to Black Tie Limousine, Inc., and to Mid-America Relocation, Inc. and that said civil penalties must be paid within thirty (30) days from the mailing of this Order. If the penalty is not paid, no subsequent applications for authority will be allowed until the fine is satisfied and the carrier is returned to good standing.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 30th day of May, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cystal Linder
Frank E. Landis
Tim Schram

Mary Ridder

Chair

ATTEST:

Michael D. H. H.

Executive Director

//s//Frank E. Landis

//s//Mary Ridder