

Bond Case Briefs

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PUBLIC UTILITIES - NEBRASKA

Amend v. Nebraska Public Service Commission

Supreme Court of Nebraska - January 12, 2018 - N.W.2d - 298 Neb. 617 - 2018 WL 385647

Farmers and farm-management customers of grain warehouse that failed and closed brought action under the State Tort Claims Act (STCA) against the Public Service Commission (PSC) for PSC's alleged negligence in performing its obligations.

The District Court granted PSC's motion to dismiss. Farmers and customers appealed.

The Supreme Court of Nebraska held that action was based upon PSC's alleged failure to suspend or revoke warehouse's license.

Suit against the Public Service Commission (PSC) by farmers and farm-management customers of grain warehouse that failed and closed was based upon PSC's alleged failure to suspend or revoke warehouse's license, and thus the suit was barred under the State Tort Claims Act (STCA), where suit alleged that the PSC knew that the warehouse had violated rules and regulations regarding a minimum net worth and working capital ratio, but that the grain warehouse director for the PSC failed to institute complaint proceedings.