

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Jay Scott Emler, Chairman
Shari Feist Albrecht, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

December 15, 2016

17-TRAM-234-PEN

Janet Lanier, Controller
TMD Telecom, Inc.
PO Box 17676
Wichita, Kansas 67217

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 10, 2016, by Kansas Corporation Commission Special Investigator Gary Goeller. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,450 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

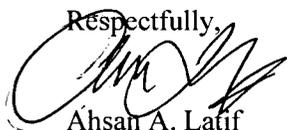
IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



Ahsan A. Latif
Litigation Counsel
(785) 271-3118

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the Investigation of **TMD**)
Telecom, Inc., of Wichita, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 17-TRAM-234-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2015 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. TMD Telecom, Inc. (TMD Telecom) obtained private operating authority from the Commission on N/A, and operates under KSMCID number N/A and USDOT number 2078969.

5. TMD Telecom is an intrastate operation that installs cable and cable terminals above and below ground for COX Communications. It operates mostly within 100 miles from its principle place of business. The carrier has seven (7) straight trucks and eight (8) trailers that most of which in combination are over 26,001 pounds.

6. TMD Telecom is a private motor carrier which primarily hauls metal sheets, coils, rolls, machinery, large objects and construction.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on November 10, 2016, Commission Staff (Staff) Special Investigator Gary Goeller conducted a compliance review of the operations of TMD Telecom. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Goeller identified three (3) violations of the Motor Carrier Safety Regulations.

- a. On September 16, 2016, TMD Telecom required or permitted its driver, Mickey R. Wilson, to operate a CDL-required commercial motor vehicle, a 1990 International, VIN ending in 686533, GVWR greater than 26,001

lbs., in intrastate commerce from Wichita, Kansas to Kingman, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP00931263, dated September 16, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, TMD Telecom did not have implemented a random controlled substance and alcohol testing program for its CDL drivers. The carrier's failure to establish an alcohol and/or controlled substances program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), as adopted by K.A.R. 82-4-3c, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. During the transportation described in paragraph a., above, TMD Telecom did not require its driver to prepare a Driver Vehicle Inspection Report (DVIR) on the commercial motor vehicle operated. The special investigator found three (3) violations of this type. The carrier's failure to require each of its drivers to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$300.
- c. On August 24, 2016, TMD Telecom required or permitted its driver, Mickey R. Wilson, to operate a CDL-required commercial motor vehicle,

a 1990 International, VIN ending in 686533, GVWR greater than 26,001 lbs., in intrastate commerce from Wichita, Kansas to Pratt, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP00931233, dated August 24, 2016, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, TMD Telecom did not have Kansas private carrier operating authority (PRI-D) to operate from place to place in the state of Kansas. The carrier's commercial operation of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2015 Supp. 66-1,111 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find TMD Telecom committed three (3) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,450 for three (3) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that TMD Telecom be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with

written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that TMD Telecom submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over TMD Telecom because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds TMD Telecom committed three (3) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. TMD Telecom, Inc., of Wichita, Kansas is hereby assessed a \$1,450 civil penalty for three (3) violations of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. TMD Telecom is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, TMD Telecom is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. **Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the**

specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of TMD Telecom's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,450 civil penalty against TMD Telecom, and ordering TMD Telecom to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$1,450 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of TMD Telecom's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: DEC 15 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date
DEC 16 2016

ATTACHMENT "A"



US DOT #
2078969

Legal: TMD TELECOM INC
Operating (DBA):

MC/MX #: Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: F

Operation Types Interstate Intrastate

Carrier: N/A HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Corporation
Gross Revenue: [REDACTED] for year ending: 12/31/2015

Company Physical Address:

[REDACTED]

Contact Name: Tom Pitman
Phone numbers: (1) [REDACTED] Fax
E-Mail Address: [REDACTED]

Company Mailing Address:

p o box 17676
Wichita, KS 67217

Carrier Classification

Private Property

Cargo Classification

Metal: Sheets, Coils, Rolls Machinery, Large Objects Construction

Hazardous Materials

9 Miscellaneous HM Carried Non-Bulk

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	7	0	0	Trailer	8	0	0

Power units used in the U.S.:7

Percentage of time used in the U.S.:100

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:		11	Total Drivers: 11
>= 100 Miles:			CDL Drivers: 2





TMD TELECOM INC
U.S. DOT #: 2078969

Review Date
11/10/2016

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd., Topeka, KS 66604-4027

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Janet Lanier

Title: Controller

Name: [REDACTED]

Title: [REDACTED]





TMD TELECOM INC
U.S. DOT #: 2078969

Review Date
11/10/2016

Part B Violations

1 FEDERAL	Primary: 382.305	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to implement a random controlled substance and/or an alcohol testing program Example [REDACTED] Trip Date 09.16.2016 was advised by TPA that Carrier did not have any Federal random testing program for CDL drivers.					
2 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 1	Checked 4	Drivers/Vehicles In Violation 1	Checked 4
Description Failing to maintain driver's employment application in driver's qualification file. Example [REDACTED] Trip date 10.12.2016 Carrier obtained this person from a employment agency in August 2016. no application on file.					
3 STATE	Primary: 392.2 Secondary: 65-1,129 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Operating Intra state without KCC Private carrier authority Example Driver [REDACTED] Trip Date 08.24.2016 Carrier operated a 1990 International truck KS tag [REDACTED] VIN# [REDACTED] 686533 in a intra state trip to place guy wire and anchors at a location in Pratt, KS. Carrier does not have any KCC private carrier authority and is leaving items at the job site installed for Cox					
4 STATE	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to require driver to prepare driver vehicle inspection report. Example [REDACTED] Trip Date 09.16.2016 [REDACTED] Trip date 10-06-2016 [REDACTED] Trip date 08.24.2016 Carrier failed to require drivers to complete DVIR when required.					





TMD TELECOM INC
U.S. DOT #: 2078369

Review Date
11/10/2016

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 120,000
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 2
Number of Vehicles Inspected (MCMIS): 3

Your proposed safety rating is :

This Review is not Rated.





Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.
4. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
5. Obtain a copy of each driver's driving record and review it annually.
6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
7. **CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities**

DESCRIPTION OF PROCESS BREAKDOWN. Carrier needs better communication between safety and HR staff to ensure that controlled substance and alcohol testing rules for the FMCSR's are being followed. Carrier needs to ensure management understands that they are responsible for Third Party Administrators (controlled substance and alcohol testing consortiums) to ensure that CDL driver are in a Federal CDL driver testing pool and that non-Federal testing does not apply to CDL driver for compliance with the part 40 and part 382 compliance.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

8. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
9. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
10. For all Investigations:
 - Understand Why Compliance Saves Time and Money. Compliance with FMCSRs will not only save





Part B Requirements and/or Recommendations

lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information.
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
Attn: Gary Davenport





TMD TELECOM INC
U.S. DOT #: 2078969

Review Date:
11/10/2016

Part B Requirements and/or Recommendations

1500 SW Arrowhead Rd
Topeka, KS 66604-4027

11. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of TMD_Telecom_Inc's vehicles operating authority and/or the impoundment of TMD_Telecom Inc's vehicles.

Signed *Tom Pitt*

Date 11-10-16

12. Cease and Desist all intra state operations outside of a 25 mile radius of corporate city limits of Wichita, KS with cmv's over 26,001 gvwr single or in combination until KCC Private Domestic Authority is granted.
13. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
14. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Gary Goeller at 785-623-0541 or email at g.goeller@kcc.ks.gov



ATTACHMENT "B"

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
 MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO0931263
 Inspection Date: 09/16/2016
 Start: 2:08 PM CT End: 2:40 PM CT
 Inspection Level: I - Full
 HM Inspection Type: None

TMD TELECOM INC

Driver: WILSON, MICKEY R

WICHITA, KS, 67217

License#: [REDACTED]

State: OK

USDOT: 2078969

Phone: [REDACTED]

Date of Birth: [REDACTED]

MC/MX#:

Fax#: [REDACTED]

CoDriver:

State#:

License#:

State:

Date of Birth:

Location: SEDGWICK COUNTY - 173

Milepost: 203 Shipper: TOOLS

Highway: US 54

Origin: KINGMAN,KS

Bill of Lading: N/A

County:

Destination: WICHITA,KS

Cargo: CARRIER

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GWR	CVSA #	Issued #	OOS Sticker
1	TR	INTL	1990	KS	[REDACTED]	[REDACTED]	[REDACTED]	586533	26001	23347403	

BRAKE ADJUSTMENTS

Axle #	1	2
Right	1 3/8	1 1/4
Left	1 1/2	1 3/8
Chamber	C-16	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.81	F	1	N		N	N	Horn inoperative
390.21B	F	1	N		N	N	Carrier name and/or USDOT Number not displayed as required

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____ Facility: _____ Date: _____

*** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. *** CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
B. Lies

Badge #:
0093

Copy Received By:
MICKEY WILSON



02078969 KS KSHPO0931263

X _____ X _____

ATTACHMENT "C"

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP00931233
Inspection Date: 08/24/2016
Start: 7:58 AM CT **End:** 8:56 AM CT
Inspection Level: I - Full
HM Inspection Type: Non-Bulk

TMD TELECOM INC

WICHITA, KS, 67217
 USDOT: 2078969
 MC/MX#:
 State#:

Phone: [REDACTED]
 Fax#: [REDACTED]

Driver: WILSON, MICKEY R
License#: [REDACTED] **State:** OK
Date of Birth: [REDACTED]
CoDriver:
License#: **State:**
Date of Birth:

Location: SEDGWICK COUNTY - 173
Highway: US 54
County:

Milepost: 202 **Shipper:** CARRIER
Origin: WICHITA,KS
Destination: PRATT,KS

Bill of Lading: N/A
Cargo: GASOLINE, TOOLS

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GWWR	CVSA #	Issued #	OOS Sticker
1	TR	INTL	1990	KS	[REDACTED]	[REDACTED]	[REDACTED]686533	26001			116088

BRAKE ADJUSTMENTS

Axle #	1	2
Right	2	1 1/2
Left	2 1/4	1 3/8
Chamber	C-16	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
383.23A2	F	D	Y		N	N	Operating a CMV without a CDL
393.209D	F	1	Y		U	N	Steering system components worn, welded, or missing
393.9	F	1	N		N	N	Inoperable Required Lamp
393.9T	F	1	Y		U	N	Inoperable tail lamp
393.45B2	F	1	N		N	N	Brake hose or tubing chafing and/or kinking
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
396.3A1BOS	F	1	Y		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination

HazMat:

Placard: No

Cargo Tank:

Special Checks: No data for special checks

Notes: DRIVER STATED HIS MED CERT HASN'T SUBMITTED TO OKLA DMV. HE HAD ACTUAL PHYSICAL CDL 'B' WITH HIM BUT IT HAS BEEN DOWNGRADED TO CLASS 'D'. AT TIME OF INSPECTION IT WAS RAINING. THAT'S WHY TRUCK IS OOS FOR INOP TAIL LAMPS BECAUSE LIGHTS WERE REQD TO BE ON WITH WIPERS RUNNING. CIVIL ASSESSMENT.

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare MICKEY WILSON "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: HAS VALID CDL CLASS 'B' OR 'A'. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____ Facility: _____ Date: _____

*** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. *** CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
 B. Lies

Badge #:
 0093

Copy Received By:
 MICKEY WILSON



X _____ X _____

CERTIFICATE OF SERVICE

17-TRAM-234-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on DEC 15 2016.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
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JANET LANIER, CONTROLLER
TMD TELECOM, INC.
PO BOX 17676
WICHITA, KS 67217
tmd.controller@tmdtelecom.com

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

DEC 16 2016