

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

In the Matter of the Investigation of **A Garcia**)
Transport LLC, of Garden City, Kansas, Regarding)
the Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission’s Authority) Docket No. 25-TRAM-015-UCR
to Impose Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

STAFF’S MOTION TO WAIVE CIVIL FINE

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its Motion requesting the Commission waive the civil fine in the Penalty Order issued to A Garcia Transport LLC (“Carrier”). In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier, as defined in 49 C.F.R. Part 390.5 and as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 3742645.
3. Pursuant to K.S.A. 66-1,139a and K.A.R. 82-4-30a, motor carriers operating interstate commerce must pay Unified Carrier Registration (UCR) fees annually, by January 1, 2024. Carrier failed to pay its annual UCR fees by January 1, 2024, as required by 49 C.F.R. 367.40 and adopted by K.A.R. 82-4-30a.
4. On September 5, 2024, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,¹ due to non-compliance with a Penalty Order issued in this docket on July 2, 2024.² The Penalty Order assessed Carrier a \$300 civil fine for its failure to pay its 2024

¹ Order Suspending Intrastate Motor Carrier Operations (Sep. 5, 2024).

² See Penalty Order, (Jul. 2, 2024).

UCR fees by January 1, 2024, as required by 49 C.F.R. 367-40 and adopted by K.A.R. 82-4-30a. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

5. On September 24, 2024, Carrier contacted Staff stating that Carrier does not operate and requesting in writing that its USDOT Number be inactivated. Staff inactivated Carrier's USDOT Number and determined the carrier had not operated in interstate commerce and therefore the \$300 civil fine in the Penalty Order issued on July 2, 2024 should be waived.

6. Based on the information provided, Staff asks the Commission to waive the \$300 civil fine as the Carrier did not operate interstate.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order waiving the \$300 civil fine in the Penalty Order issued July 2, 2024.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

CERTIFICATE OF SERVICE

25-TRAM-015-UCR

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on September 30, 2024.

Humberto Garcia-Perez, MEMBER
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/S/ Kiley McManaman
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