

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Emergency Suspension of)
Operating Authority of **Alvarez Underground**)
Construction LLC of Kansas City, Kansas, for) Docket No. 25-TRAM-162-OOS
Failure to Comply with New Entrant Safety)
Requirements as Required by the Motor Carrier)
Safety Statutes, Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination upon its own motion. Having examined its files and records, the Commission, finds and concludes:

I. Legal Standards

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-3f, 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. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. Analysis

4. Alvarez Underground Construction LLC is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Alvarez Underground Construction LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 4122155.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Alvarez Underground Construction LLC's New Entrant Registration had been revoked effective September 20, 2024, for failure to comply with safety requirements.

7. Pursuant to the above authority, on October 22, 2024, the Commission entered an Emergency Suspension of Operating Authority Order on Alvarez Underground Construction LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

8. On October 22, 2024, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Alvarez Underground Construction LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As

a result, the carrier's reapplication for New Entrant registration under USDOT No. 4122155 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation, a copy of which is attached hereto as Attachment "A" and is hereby incorporated by reference.

9. Carrier further submitted evidence of attendance at a Kansas Corporation Commission-sponsored safety seminar. A representative of Carrier attended on October 28, 2024. See attached KTRAN screenshot, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference.

10. The Commission finds it has jurisdiction over Alvarez Underground Construction LLC because it is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

11. The Commission finds that by attending a Commission-sponsored safety seminar, Alvarez Underground Construction LLC has met the requirements of the October 22, 2024, Emergency Suspension of Operating Authority Order.

12. Based on the Federal Motor Carrier Safety Administration's reinstatement, the Commission concludes it should reinstate Alvarez Underground Construction LLC's motor carrier operations in Kansas.

THE COMMISSION THEREFORE ORDERS THAT:

A. Alvarez Underground Construction LLC's intrastate motor carrier operations in Kansas are hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/21/2024



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590
October 21, 2024

FRANCISCO ALVAREZ SOLIS
OWNER
ALVAREZ UNDERGROUND CONSTRUCTION LLC
2824 N 38TH ST
KANSAS CITY, KS 66104-2524

In reply refer to:
USDOT Number: 4122155

Action Required: Call to schedule a Safety Audit.

According to the Federal Motor Carriers Safety Administration's records, thirty days have elapsed since ALVAREZ UNDERGROUND CONSTRUCTION LLC's US DOT New Entrant registration was revoked on September 20, 2024, based on a failure to submit to a required safety audit. Our records also indicate that ALVAREZ UNDERGROUND CONSTRUCTION LLC has reapplied in accordance with 49 CFR section 385.329. ALVAREZ UNDERGROUND CONSTRUCTION LLC's reapplication for USDOT New Entrant registration has been approved. However, because a safety audit has not yet been conducted, ALVAREZ UNDERGROUND CONSTRUCTION LLC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-8533 as soon as possible to schedule a safety audit. In accordance with section 49 C.F.R. § 385.337, failure to permit a safety audit to be performed may result in the revocation of ALVAREZ UNDERGROUND CONSTRUCTION LLC's USDOT New Entrant registration and ALVAREZ UNDERGROUND CONSTRUCTION LLC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b)(2)(A), as adjusted for inflation.

ALVAREZ UNDERGROUND CONSTRUCTION LLC's 18-month new entrant safety monitoring period restarts as of October 21, 2024. FMCSA will continue to monitor and evaluate ALVAREZ UNDERGROUND CONSTRUCTION LLC's safety management practices and on-road performance to ensure ALVAREZ UNDERGROUND CONSTRUCTION LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of ALVAREZ UNDERGROUND CONSTRUCTION LLC's USDOT New Entrant or permanent registration.

Sincerely,

David J. Yessen, Chief, Compliance Division

ATTACHMENT “B”

Carrier Operation: INTRASTATE(Non-HM)
USDOT: 4122155
MCMIS Status: A

Tax Type/ID: /*****3
KTRAN PIN: [REDACTED]

▼ Company Information

Legal Name: ALVAREZ UNDERGROUND CONSTRUCTION LLC
DBA Name:
Phone: (913) 808-7345 Cell:
Fax:
Email: ALVAREZUC21@GMAIL.COM
Bus. Type: No Data BEIN:
[Edit](#)

► Address

Insurance

Authority

Cargo

Safety Seminar

[Add](#)

Date	Attendee	Location
10/28/2024	Anel Alverez	Other

CERTIFICATE OF SERVICE

25-TRAM-162-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/21/2024.

Francisco Alvarez-Solis, OWNER
Alvarez Underground Construction LLC
2824 N 38th St
Kansas City, KS 66104
alvarezuc21@gmail.com

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/S/ KCC Docket Room
KCC Docket Room