

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

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

In the Matter of the Investigation of **Custom**)
Limousine, Inc., of Bonner Springs, Kansas, Pursuant)
to the Kansas Highway Patrol Issuance of a Notice of)
Violation for Violation(s) of the Kansas Motor Carrier) Docket No. 14-GIMM-371-KHP
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier Authority.)

ORDER GRANTING MOTION TO DISMISS

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised on the premises, the Commission finds and concludes as follows:

1. On December 26, 2013, the Kansas Highway Patrol issued a Notice of Violation against Custom Limousine, Inc. (Respondent), for alleged violations found during a December 20, 2013, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol.
2. On February 17, 2014, the Respondent submitted a request for hearing on this matter, which opened Docket No. 14-GIMM-371-KHP.
3. On February 19, 2014, Staff filed a Notice of Hearing setting the matter for evidentiary hearing before the Commission on June 13, 2014, at 8:30 a.m.
4. Staff and Respondent have worked in good faith to resolve this docketed matter.
5. Respondent has provided satisfactory evidence that the vehicle involved in the December 20, 2013, routine motor carrier stop and inspection was not a commercial motor vehicle.

6. Because the vehicle involved in the inspection is not, by definition, a commercial motor vehicle it is not subject to the Commission's regulatory oversight.

7. Vehicles and business operations that would otherwise fall outside of the Commission's regulatory scheme may become subject to Commission oversight if the Respondent utilizes the vehicles in a manner that would deem them commercial motor vehicles engaged in a motor carrier operation.

8. On April 4, 2012, for the reasons set forth above, Staff filed a Motion to Dismiss Hearing and Civil Assessment requesting that the Commission dismiss Respondent's Request for Hearing, proposed civil assessments, and the pending action against Custom Limousine, Inc. of Bonner Springs, Kansas.

9. The Commission finds that Staff's request is reasonable and hereby dismisses the current enforcement actions against Custom Limousine, Inc. of Bonner Springs, Kansas. The Commission further finds that there are no other invoices pending against Respondent at this time, leaving no pending case or controversy.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Motion to Dismiss Hearing and Civil Assessment is granted.

(B) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

(C) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: APR 17 2014



ORDER MAILED APR 18 2014

Kim Christiansen
Executive Director

REV

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ROBERT VINCENT, LITIGATION ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
MICHAEL E. CALLEN, ATTORNEY AT LAW 9214 CHEROKEE PLACE LEAWOOD, KS 66206-1704		

ORDER MAILED APR 18 2014

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.