

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. 2017 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Cauthemoc S. Ortiz, d/b/a Ortiz Trucking, of Garden City, Kansas (Respondent), is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108 that operates commercial motor vehicles in intrastate commerce.

5. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2112768.

6. On September 14, 2017, the Commission issued an Order suspending Respondent's intrastate motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2017 Supp. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on July 30, 2012. The Penalty Order also assessed Respondent a \$3,000 civil fine. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. On March 9, 2018, Respondent submitted evidence to Transportation Staff (Staff) of bringing its motor carrier operation into compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order. Respondent paid the \$3000 civil assessment.

8. On July 23, 2018, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations on Respondent.

III. STAFF'S RECOMMENDATION

9. Based on Staff's Motion and Respondent's compliance, Staff recommends the Commission reinstate Respondent's Kansas motor carrier operations.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Respondent because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Cauthemoc S. Ortiz, d/b/a Ortiz Trucking's motor carrier operations is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Cauthemoc S. Ortiz, d/b/a Ortiz Trucking's ability to carry on motor carrier operations in the state of Kansas is hereby reinstated.

B. Cauthemoc S. Ortiz, d/b/a Ortiz Trucking remains obligated to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order. Respondent must also provide Litigation Counsel with written proof of attendance.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 07/26/2018

A handwritten signature in black ink, reading "Lynn M. Retz". The signature is written in a cursive style with a prominent horizontal line at the end.

Lynn M. Retz
Secretary to the Commission

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CERTIFICATE OF SERVICE

13-TRAM-034-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 07/27/2018.

CUAHTHEMOC S. ORTIZ, OWNER
CUAHTHEMOC S. ORTIZ
D/B/A Ortiz Trucking
934 AMY ST
GARDEN CITY, KS 67846
patriots_patriots@yahoo.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe