

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

In the Matter of the Investigation of **Top Rated**)
Towing LLC of Wichita, Kansas. Regarding)
the Violations of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 25-TRAM-456-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority)

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Top Rated Towing LLC, of Wichita, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 40 C.F.R. 390.5 as adopted by 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, 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. 66-1,105, "[e]very order and decision of the commission on matters covered by this act shall become operative and effective within 30 days after service, and

the motor carrier shall carry the provisions of the order into effect, unless the order is enjoined or set aside by a court of proper jurisdiction.”

4. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 3909258.

6. On July 29, 2025, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$2,550.00 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by a Staff Special Investigator on June 5, 2025. In the Penalty Order, the Carrier was ordered to pay the \$2,550.00 civil penalty within thirty (30) days of service, to attend a Commission-sponsored safety seminar within thirty (30) days of the date of the Penalty Order, and to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of the Penalty Order.

7. Pursuant to K.S.A. 66-1,105, the Carrier was sent the Penalty Order via U.S. certified mail, return receipt requested, on July 29, 2025. According to Legal Staff, the Penalty Order was returned undelivered on August 21, 2025. Pursuant to K.S.A. 77-613, the Penalty Order was deposited in U.S. mail to the same address on August 21, 2025. The second attempt at service was not returned.

8. The Carrier had 30 days from the date served to pay the civil penalty of \$2,550.00, attend a Commission-sponsored safety seminar and submit a CAP.

9. The Carrier has failed to submit to submit a CAP that has met the approval of Staff.

10. On September 10, 2025, the Carrier was sent a collection letter to the mailing address at which it was served, reminding it of the obligation to submit a CAP and giving it 10

days from the date of the collection letter to do so. A copy of the collection letter is attached hereto as Attachment “A” and is hereby incorporated by reference.

11. As of October 10, 2025, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order. Carrier has not sent a CAP that meets the approval of Staff.

12. Staff requests the Commission find that Carrier received sufficient notice of the requirement to comply with the Penalty Order issued July 29, 2025, including written notice by the collection letter sent September 10, 2025.

13. Staff asks that the Commission find Carrier failed to respond and has not complied with the Commission’s Penalty Order, which is a violation of K.S.A. 66-1,105 and 66-1,142b.

14. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier’s intrastate motor carrier operations until such time as Carrier submits a CAP approved by Staff, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier’s intrastate motor carrier.

Respectfully submitted,

/s/ Ahsan A. Latif

Ahsan A. Latif, #24709
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For Commission Staff

ATTACHMENT “A”

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

September 10, 2025

Top Rated Towing LLC
10711 E Countryside St
Wichita, KS 67207

Re: Docket No. 25-TRAM-456-PEN
In the Matter of the Investigation of **Top Rated Towing LLC of Wichita, Kansas**, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

On July 29, 2025, a Penalty Order was issued against Top Rated Towing LLC for violations of motor carrier safety statutes, rules and regulations. The order required Top Rated Towing LLC, within thirty (30) days of service of the Penalty Order, to do the following: (1) pay a civil penalty of \$2,550; (2) submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff (Staff), documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and (3) have a representative of C&D Transport attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with written proof of attendance.

To date, Top Rated Towing LLC has not completed all three of these actions.

Staff has not received and/or approved of a CAP submitted by Top Rated Towing LLC. **Prepare a CAP and submit it to Transportation Division Deputy Director Jared Smith at Jared.L.Smith@ks.gov within the next 10 days.** If you have questions you can contact him at (785) 271-3284.

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call me at 785-271-3118.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
ahsan.latif@ks.gov

CERTIFICATE OF SERVICE

25-TRAM-456-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on October 13, 2025.

AHSAN LATIF, LITIGATION COUNSEL
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ahsan.latif@ks.gov

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/S/ Kiley McManaman

Kiley McManaman