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

In the Matter of the Investigation of Jerry W.) Hoppe, d/b/a Hoppe's Trucking of Glasco,) Kansas, Regarding the Violation 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.

Docket No. 18-TRAM-007-PEN

MOTION TO AMEND PENALTY ORDER

)

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Amended Penalty Order reducing the penalty assessed to Jerry W. Hoppe, d/b/a Hoppe's Trucking (Hoppe's Trucking), by fifty-percent (50%) than the penalty assessed in the Penalty Order dated July 13, 2017. In support of this Motion, Staff states as follows:

1. On July 13, 2017, a Penalty Order was issued to Hoppe's Trucking assessing it a penalty of \$500 for two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted by Special Investigator(s) Gregory Askren on June 27, 2017.

1. The Notice of Penalty Assessment advised Hoppe's Trucking it was a New Entrant carrier and was eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

2. On July 27, 2017, Hoppe's Trucking submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing Hoppe's Trucking a reduced penalty of \$250 (50% less than originally assessed) and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated July 13, 2017
 Hoppe's Trucking shall send an individual responsible for safety compliance
 to attend a Commission-sponsored safety seminar, and proof of attendance
 must been submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order dated July 13, 2017,
 Hoppe's Trucking must submit to a follow-up Safety Compliance Review.
 Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order, Hoppe's Trucking must make the payment of \$250 through the KTRAN system located at https://puc.kcc.ks.gov/ktran/.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Jerry W. Hoppe, d/b/a Hoppe's Trucking a reduced penalty of \$250 and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,

.

Ansan A. Lafif 8. Ct. #24709 Litigation Counsel Kansas Corporation Commission 1500 S.W. Arrowhead Road Topeka, Kansas 66604-4027 Phone: 785-271-3118 Fax: 785-271-3167 Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

.

VERIFICATION

18-TRAM-007-PEN

STATE OF KANSAS)) ss. COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing Motion to Amend Penalty Order, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

ť # 24709

Litigation Counsel The State Corporation Commission of the State of Kansas

SUBSCRIBED AND SWORN to before me this 28^{+4} day of July, 2017.

Notary Public - State of Kansas My Appt Expires L

uti D. Jacolism

My Appointment Expires: June 30, 2018

1500 SW Arrowhead Road Topeka, KS 66604-4027

Pat Apple, Chairman Shari Feist Albrecht, Commissioner Jay Scott Emler, Commissioner Kansas Corporation Commission

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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

18-TRAM-007-PEN

Jerry W. Hoppe, d/b/a Hoppe's Trucking (Hoppe's Trucking) hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated July 13, 2017. Hoppe's Trucking has agreed to comply with the following terms and obligations:

1. Hoppe's Trucking has submitted, within fifteen (15) days from the date of the Penalty Order issued on July 13, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Hoppe's Trucking will, within 30 days from the date of the Penalty Order dated July 13, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff before my company can be eligible for the 50% reduced penalty.

3. Hoppe's Trucking will, within thirty (30) days from the date of the Penalty Order dated July 13, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. Hoppe's Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Jerry W. Hoppe, d/b/a Hoppe's Trucking understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with this Agreement attached to the motion. The Amended Penalty Order will assess Hoppe's Trucking a fifty-percent (50%) reduced penalty of \$250, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Hoppe's Trucking will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

JUL 27 2017

TRANSPORTATION DIVISION

Jerry W. Hoppe, d/b/a Hoppe's Trucking

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to <u>v.jacobsen@kcc.ks.gov</u> and <u>alatif@kcc.ks.gov</u>.)

Dated this 8 day of July, 201

CERTIFICATE OF SERVICE

18-TRAM-007-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty was placed in the United States mail, postage prepaid, or hand-delivered this 28th day of July, 2017, to the following

JERRY W HOPPE, OWNER JERRY W HOPPE D/B/A HOPPE'S TRUCKING PO BOX 523 GLASCO, KS 67445-9346 hoppestrucking@gmail.com

.

AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax 785-271-3354 a.latif@kcc.ks gov

Ki Jacouse