

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

In the Matter of the Investigation of **Herl Ag**)
Spraying LLC, of Grainfield, Kansas, Regarding)
the Violation of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 25-TRAM-208-PEN
Authority to Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

MOTION TO REINSTATE INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, files its motion requesting the Commission reinstate the Kansas motor carrier operations of Herl Ag Spraying LLC of Grainfield, Kansas (Carrier). 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. 66-1,129(a)(7), no public motor carrier of property, household goods or passengers or private motor carrier of property shall operate, or allow the operation of, any commercial motor vehicle on any public highway in this state without following rules and regulations consistent with the federal motor carrier safety assistance program.

3. K.S.A. 66-1,108c states:

“The corporation commission shall have the authority to examine all accounts and records pertaining to its regulation of motor carriers. The

agents, accountants, examiners or inspectors designated by the commission shall have authority under the direction of the transportation division to inspect and examine any and all books, accounts, papers, records, property and memoranda pertinent to its regulation of motor carriers.”

4. Carrier is a motor carrier, as defined in 49 C.F.R. Part 390.5 and 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 1444818.

6. On September 25, 2024, a Commission Staff (Staff) Special Investigator (SI) sent letters to the Carrier to conduct a safety compliance investigation on its operations as a motor carrier pursuant to K.S.A. 66-1,108c. As of November 6, 2024, the Carrier had failed to contact the Staff SI.

7. On November 6, 2024, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier’s failure to respond to Staff’s communications regarding a safety compliance investigation under K.S.A. 66-1,108c.

8. On November 14, 2024, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,¹ due to Carrier’s failure to respond and complete a safety compliance investigation.

9. On December 10, 2024, Carrier contacted a Staff SI and complied with the safety compliance investigation.

10. Therefore, Staff requests the Commission find that Carrier has now complied with the requirements of the above-referenced Penalty Order and that the Commission reinstate Carrier’s Kansas motor carrier operations.

¹Order Suspending Intrastate Motor Carrier Operations (Nov. 14, 2024).

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order reinstating Carrier's Kansas motor carrier operations.

Respectfully submitted,

/s/Ahsan A. Latif

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For Commission Staff

CERTIFICATE OF SERVICE

25-TRAM-208-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 December 12, 2024.

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