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

In the Matter of the Investigation of Hector D. ) Urteaga, d/b/a Papa Trucking, of Garden City, ) 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-235-PEN

### MOTION TO REINSTATE INTRASTATE MOTOR CARRIER OPERATIONS

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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 Hector D. Urteaga, d/b/a Papa Trucking of Garden City, Kansas (Respondent). In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.

2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2578569.

3. On February 15, 2018, the Commission issued an Order suspending Respondent's intrastate motor carrier operations other than such motor carrier operations expected from the Commission's regulation under K.S.A. 2016 Supp. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on December 12, 2017. The Penalty Order assessed Respondent a \$2,250 civil fine in which the Respondent did not pay on time.

4. On February 12, 2018, Respondent submitted evidence to 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 \$2,250 penalty assessment.

5. Therefore, Staff asks the Commission to find that Respondent has now complied with the requirements of the above-referenced Penalty Order.

6. Staff also asks the Commission to reinstate Respondent's Kansas motor carrier operations.

7. Furthermore, Staff asks the Commission to order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order, and to provide Litigation Counsel with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order reinstating Respondent's Kansas motor carrier operations and ordering Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order and provide Litigation Counsel with written proof of attendance.

Respectfully submitted,

Ahsan A. Latif, #24709

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#### VERIFICATION

## 18-TRAM-235-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 Reinstate Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

Ahsan A. Latif, S. Ct. # 24709 Litigation Counsel The State Corporation Commission of the State of Kansas

SUBSCRIBED AND SWORN to before me this  $3^{1}$  day of February, 2018

VISKI D. JACOBSEN Notary Public - State of Kansas MY ABBI EXBIRES

Vick D. Jacobsen Notary Public

My Appointment Expires: June 30, 2018

# **CERTIFICATE OF SERVICE**

#### 18-TRAM-235-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Reinstate Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 13th day of February, 2018, to the following:

HECTOR D. URTEAGA, OWNER HECTOR D. URTEAGA D/B/A PAPA TRUCKING 106 N 9TH ST GARDEN CITY, KS 67846-8353 AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3354 a.latif@kcc.ks.gov

Jack Vicki Jacobsen