

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Emergency Suspension of)
Operating Authority of **Boss Mudjacking, LLC of**)
Overland Park, Kansas, for Failure to Comply) Docket No. 17-TRAM-411-OOS
with New Entrant Safety Requirements as)
Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, 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. 2016 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. 2016 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. Boss Mudjacking, LLC is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Boss Mudjacking, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2865234.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Boss Mudjacking, LLC's New Entrant Registration had been revoked effective March 14, 2017, for failure to comply with safety requirements.

7. Pursuant to the above authority, on March 28, 2017, the Commission entered an Emergency Suspension of Operating Authority Order on Boss Mudjacking, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On April 17, 2017, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Boss Mudjacking, LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2865234 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Boss Mudjacking, LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Boss Mudjacking, LLC because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Boss Mudjacking, LLC's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Boss Mudjacking, LLC's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

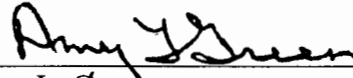
(B) Boss Mudjacking, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on March 28, 2017.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 20 2017



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

APR 21 2017



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

TERRY AMERINE
PRESIDENT
BOSS MUDJACKING LLC
22123 W83RD STREET
SHAWNEE, KS 66227

1200 New Jersey Ave., S.E.
Washington, DC 20590
April 14, 2017

In reply refer to:
USDOT Number: 2865234

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since BOSS MUDJACKING LLC's USDOT New Entrant registration was revoked on March 14, 2017, based on a failed safety audit conducted on December 13, 2016. Our records also indicate that BOSS MUDJACKING LLC has reapplied in accordance with 49 CFR section 385.329. BOSS MUDJACKING LLC's reapplication for USDOT New Entrant registration has been approved.

BOSS MUDJACKING LLC's 18-month new entrant safety monitoring period restarts as of April 14, 2017. FMCSA will continue to monitor and evaluate BOSS MUDJACKING LLC's safety management practices and on-road performance to ensure BOSS MUDJACKING LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of BOSS MUDJACKING LLC's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of
Enforcement and Compliance

CERTIFICATE OF SERVICE

17-TRAM-411-OOS

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 **APR 20 2017**.

TERRY AMERINE, MANAGING MEMBER
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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
APR 21 2017