

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

In the Matter of the Investigation of AA )  
**Fishing Tool & Rental, LLC of Great Bend,** )  
**Kansas,** Regarding the Violation of the Motor )  
Carrier Safety Statutes, Rules and Regulations ) Docket No. 18-TRAM-211-PEN  
and the Commission's Authority to Impose )  
Penalties, Sanctions and/or the Revocation of )  
Motor Carrier Authority. )

**MOTION FOR ORDER AMENDING PENALTY ASSESSMENT**

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 Order Amending Penalty Assessment reducing the penalty assessed to AA Fishing Tool & Rental, LLC (AA Fishing Tool & Rental), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated November 30, 2017. In support of its Motion, Staff states as follows:

1. On November 30, 2017, a Penalty Order was issued to AA Fishing Tool & Rental assessing it a penalty of \$1,500 for five (5) 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 on October 17, 2017, by Special Investigator Gregory Askren.

1. The Notice of Penalty Assessment advised AA Fishing Tool & Rental it was a New Entrant carrier and may be 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 December 21, 2017, AA Fishing Tool & Rental 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 Order Amending Penalty Assessment assessing AA Fishing Tool & Rental a 50% reduced penalty of \$750 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated November 30, 2017, AA Fishing Tool & Rental shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order, AA Fishing Tool & Rental must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, AA Fishing Tool & Rental must make the payment of \$750 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

**WHEREFORE,** for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing AA Fishing Tool & Rental, LLC a reduced penalty of \$750 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,



Ahsan A. Latif, S. Ct. #24709  
Litigation Counsel  
Kansas Corporation Commission  
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Topeka, Kansas 66604-4027  
Phone: 785-271-3118  
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Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

**VERIFICATION**

**18-TRAM-211-PEN**

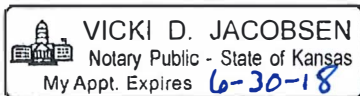
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE    )

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 for Order Amending Penalty Assessment*, 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 2<sup>nd</sup> day of January, 2018.

  
Notary Public

My Appointment Expires: June 30, 2018

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

## **REDUCED PENALTY AGREEMENT**

### **18-TRAM-211-PEN**

AA Fishing Tool & Rental, LLC (AA Fishing Tool & Rental) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated November 30, 2017. AA Fishing Tool & Rental has agreed to comply with the following terms and obligations:

1. AA Fishing Tool & Rental has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. AA Fishing Tool & Rental will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining 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 to become eligible for the 50% reduced penalty.

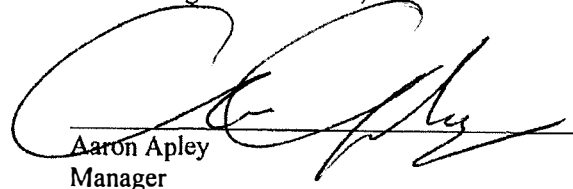
3. AA Fishing Tool & Rental will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. AA Fishing Tool & Rental 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.

AA Fishing Tool & Rental, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$750, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, AA Fishing Tool & Rental will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 21 day of Dec, 2017.

AA Fishing Tool & Rental, LLC



Aaron Apley  
Manager

(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 [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

## CERTIFICATE OF SERVICE

18-TRAM-211-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Assessment was served via electronic service this <sup>4<sup>th</sup></sup><sub>2<sup>nd</sup></sub> day of January, 2018, to the following:

AARON APLEY, MANAGER  
AA FISHING TOOL & RENTAL, LLC  
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GREAT BEND, KS 67530  
apley\_aaron@yahoo.com

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Vicki Jacobsen