

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

In the Matter of the Investigation of **Hunter**)
Trucking, LLC of Larned, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 20-TRAM-457-PEN
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, files this Motion requesting the Commission issue an Order Amending Penalty Assessment, reducing the penalty originally assessed to Hunter Trucking, LLC. In support of its Motion, Staff states as follows:

1. On May 14, 2020, a Penalty Order was issued to Hunter Trucking assessing it a penalty of \$1,000 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 on April 13, 2020, by Special Investigator Doug Handy and Erica Pargas.

2. On June 9, 2020, an Amended Penalty Order was issued by the Commission amending the fact that this was the first time that Hunter Trucking, LLC had been investigated, making it eligible as a "New Entrant" carrier and eligible for a 50 percent reduction in the original penalty assessed.

3. On June 24, 2020, Hunter 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.


4. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Hunter Trucking a reduced penalty of \$500 and requesting the carrier to comply with the following terms and obligations:

- a. a representative of the carrier will attend a Commission-sponsored safety seminar and provide Litigation Counsel with proof of attendance. Due to Governor mandated social distancing and prohibitions on gathering of 50 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted;
- b. 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 violations(s) do not occur in the future. This CAP must be approved by Transportation Staff become eligible for the reduced penalty. Staff notes that Hunter Trucking has submitted an approved CAP.
- c. within eighteen (18) months of the Penalty Order, Hunter Trucking must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and

d. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, Hunter Trucking must make the payment of \$500 in 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 Hunter Trucking, LLC a reduced penalty of \$500 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

1500 S.W. Arrowhead Road

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Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

VERIFICATION

20-TRAM-457-PEN

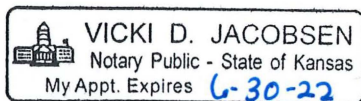
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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 24th day of June, 2020.





Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Susan K. Dully, Chair
Shari Feist Albrecht, Commissioner
Dwight D. Keen, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

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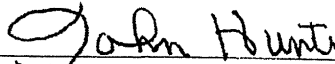
Hunter Trucking, LLC (Hunter Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated May 14, 2020. Hunter Trucking has agreed to comply with the following terms and obligations:

1. Hunter Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Hunter Trucking 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. A representative of the carrier will attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with proof of attendance. Safety seminars are not currently being offered due to the COVID-19 pandemic. The carrier is required to attend a safety seminar within 90 days of the seminars being offered again.
4. Hunter 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.

Hunter Trucking, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$500, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Hunter Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 24th day of June, 2020.

Hunter Trucking, LLC


John Hunter
Managing Member

(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 and a.latif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

20-TRAM-457-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was served via electronic service this 24th day of June, 2020, to the following:

JOHN HUNTER, MANAGING MEMBER
HUNTER TRUCKING, LLC
987 N ROAD
LARNED, KS 67550-5103
gterri@hotmail.com

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Vicki Jacobsen