

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

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

In the Matter of the Emergency Suspension of)
Operating Authority of **Commercial Fleet**)
Service, Inc. of Kansas City, Kansas, for Failure) Docket No. 16-TRAM-199-OOS
to Comply 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. 2015 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. 2015 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. 2015 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. 2015 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. Commercial Fleet Service, Inc. is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Commercial Fleet Service, Inc. is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2512172.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Commercial Fleet Service, Inc.'s New Entrant Registration had been revoked effective October 20, 2015 for failure to comply with safety requirements.

7. Pursuant to the above authority, on October 29, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Commercial Fleet Service, Inc. in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On November 23, 2015, 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 Commercial Fleet Service, Inc. 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. 2512172 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 Commercial Fleet Service, Inc.'s motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Commercial Fleet Service, Inc. because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Commercial Fleet Service, Inc.'s operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Commercial Fleet Service, Inc.'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.

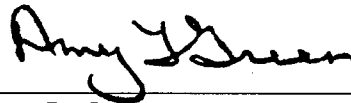
(B) Commercial Fleet Service, Inc. remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on October 29, 2015.

(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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: DEC 01 2015



Amy L. Green
Secretary to the Commission

ORDER MAILED DEC 02 2015

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

WILLIAM CUSTER
OWNER/OPERATOR
COMMERCIAL FLEET SERVICE INC
PO BOX 6556
KANSAS CITY, KS 66106

1200 New Jersey Ave., S.E.
Washington, DC 20590
November 23, 2015

In reply refer to:
USDOT Number: 2512172

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since COMMERCIAL FLEET SERVICE INC's USDOT New Entrant registration was revoked on October 20, 2015, based on a failed safety audit conducted on August 14, 2015. Our records also indicate that COMMERCIAL FLEET SERVICE INC has reapplied in accordance with 49 CFR section 385.329. COMMERCIAL FLEET SERVICE INC's reapplication for USDOT New Entrant registration has been approved.

COMMERCIAL FLEET SERVICE INC's 18-month new entrant safety monitoring period restarts as of November 23, 2015. FMCSA will continue to monitor and evaluate COMMERCIAL FLEET SERVICE INC's safety management practices and on-road performance to ensure COMMERCIAL FLEET SERVICE INC 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 COMMERCIAL FLEET SERVICE INC's USDOT New Entrant or permanent registration.

Sincerely,

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

CERTIFICATE OF SERVICE

16-TRAM-199-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 **DEC 01 2015**.

WILLIAM CUSTER, PRESIDENT
COMMERCIAL FLEET SERVICE, INC.
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KANSAS CITY, KS 66106

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/S/ DeeAnn Shupe

DeeAnn Shupe

ORDER MAILED DEC 02 2015