

STATE OF KANSAS



CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

PHONE: 785-271-3100
FAX: 785-271-3354
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT

August 28, 2018

19-TRAM-076-PEN

Tommy Marcellus, Managing Member
Marcellus House Moving, LLC
631 N Lincoln Ave
Liberal, KS 67901

This is a notice of a penalty assessment against Marcellus House Moving, LLC (Marcellus House Moving) for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 9, 2018, by Kansas Corporation Commission Special Investigator M.P. McAvoy. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Marcellus House Moving has been assessed a \$650 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$650 through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

MARCELLUS HOUSE MOVING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

(1) within fifteen (15) days from the date of this Penalty Order, the carrier signs and submits the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within thirty (30) days from the date of this Penalty Order, the carrier submits to Transportation Staff a Corrective Action Plan (CAP) documenting the violation described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation do not occur in the future;

(3) within thirty (30) days from the date of this Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter; and

(4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$325 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Marcellus House Moving, LLC must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$650 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Marcellus House Moving submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$325 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

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REDUCED PENALTY AGREEMENT

19-TRAM-076-PEN

Marcellus House Moving, LLC (Marcellus House Moving) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated August 28, 2018. Marcellus House Moving has agreed to comply with the following terms and obligations:

1. Marcellus House Moving has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Marcellus House Moving will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation 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. Marcellus House Moving 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. Marcellus House Moving 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.

Marcellus House Moving, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$325, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Marcellus House Moving will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this _____ day of _____, 2018.

Marcellus House Moving, LLC

Tommy Marcellus
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 alatif@kcc.ks.gov.)

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Investigation of **Marcellus**)
House Moving, LLC, of Liberal, KS,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 19-TRAM-076-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 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. 2017 Supp. 66-1,129a, 66-1,130 and 66-1,142b, 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. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Marcellus House Moving, LLC (Marcellus House Moving) has common operating authority with the Commission and further operates under USDOT number 328489.

5. Marcellus House Moving is a common motor carrier which primarily hauls general freight, mobile homes and houses.

6. Marcellus House Moving is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on July 9, 2018, Commission Staff (Staff) Special Investigator M.P. McAvoy conducted a compliance review of the operations of Marcellus House Moving. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On May 17, 2018, Marcellus House Moving required or permitted its driver, Timmy Marcellus, to operate a CDL-required commercial motor vehicle, a 2004 Peterbilt, VIN ending in 815557, GVWR 48,000 lbs., in intrastate in the vicinity of Cimarron, Kansas. This trip is evidenced by Driver's Log, dated May 17, 2018, a copy of which is attached hereto as

Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Marcellus House Moving employed two (2) CDL drivers and failed to ensure each driver subject to random alcohol and controlled substance testing had an equal chance at being selected. The carrier only had one (1) of the two (2) CDL drivers on the eligible pool list. Marcellus House Moving’s failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$650.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Marcellus House Moving committed one (1) violation 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, and is therefore subject to sanctions or fines imposed by the Commission.

9. Staff recommends a civil penalty of \$650 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that Marcellus House Moving, LLC is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier’s Corrective Action Plan (CAP).

11. Staff recommends Marcellus House Moving, LLC submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation described in this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

12. Staff further recommends that a representative from Marcellus House Moving attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

13. Finally, Staff recommends that Marcellus House Moving submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

14. The Commission finds it has jurisdiction over Marcellus House Moving because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

15. The Commission finds a penalty of \$650 should be assessed to Marcellus House Moving for committing one (1) violation 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, and is therefore subject to sanctions or fines imposed by the Commission.

16. The Commission finds Marcellus House Moving is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Marcellus House Moving, LLC, of Liberal, KS is hereby assessed a penalty of \$650 for one (1) violation of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$650 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from Marcellus House Moving is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

C. Marcellus House Moving must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation do not occur in the future.

D. Marcellus House Moving is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If Marcellus House Moving does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$650 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the

Commission will have the right to order further sanctions, including suspension of Marcellus House Moving's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. On August 28, 2018, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745490. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Marcellus House Moving's right to a hearing.

H. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil

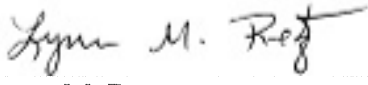
penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2017 Supp. 66-1,142b(e) and amendments thereto.

I. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner


Dated: 08/28/2018 _____



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 328489	Legal: MARCELLUS HOUSE MOVING LLC Operating (DBA):		
MC/MX #: 000000 State #: 000000 Federal Tax ID: [REDACTED] (EIN)		Review Type: Compliance Review (CR)		
Scope: Principal Office		Location of Review/Audit: Other		Territory: F
Operation Types Interstate Intrastate				
Carrier: Non-HM Non-HM Shipper: N/A N/A Cargo Tank: N/A		Business: Other Gross Revenue: [REDACTED] for year ending: 12/31/2017		
Company Physical Address: 631 N Lincoln Liberal, KS 67901 Contact Name: Tommy Marcellus Phone numbers: (1) [REDACTED] (2) Fax E-Mail Address:				
Company Mailing Address: 631 N Lincoln Liberal, KS 67901				
Carrier Classification Authorized for Hire				
Cargo Classification General Freight Mobile Homes Other: Houses				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	2	0	0	Truck Tractor
Trailer	1	0	0	
Power units used in the U.S.: 3 Percentage of time used in the U.S.: 100 Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra		
< 100 Miles:			Average trip leased drivers/month: 0	
>= 100 Miles:	2		Total Drivers: 2	
			CDL Drivers: 2	



MARCELLUS HOUSE MOVING LLC
U.S. DOT #: 328489

State #: 000000

Review Date:
07/09/2018

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name:

Name: Tommy Marcellus

Title: Owner



MARCELLUS HOUSE MOVING LLC
U.S. DOT #: 328489

State #: 000000

Review Date:
07/09/2018

Part B Violations

1 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. Example Driver Name: Tommy Marcellus Selection date: Not available Trip Date: 5/17/2018 (Moving double wide mobile home in the vicinity of Cimarron, Ks.)					
Safety Fitness Rating Information: Total Miles Operated 35,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			
Your proposed safety rating is : SATISFACTORY		Rating Factors		Acute	Critical
		Factor 1:	S	0	0
		Factor 2:	S	0	0
		Factor 3:	S	0	0
		Factor 4:	S	0	0
		Factor 5:	N	0	0
		Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





MARCELLUS HOUSE MOVING LLC
U.S. DOT #: 328489

State #: 000000

Review Date:
07/09/2018

Part B Requirements and/or Recommendations

1. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
2. **D/A Program Begin Drug Testing** The starting date for alcohol and/or controlled substance testing programs must be implemented no later than the date the employer begins commercial motor vehicle operations per 49 CFR 382.115(a).
3. **Drug-Testing Equal Opportunity Drug Testing** CDL Drivers operating vehicles which meet the definition of a CDL commercial motor vehicle (CMV) SHALL have an equal chance of being tested each time selections are made. These drivers shall be in a pool of CDL drivers. Non-CDL drivers cannot be allowed in the same pool as the CDL drivers as the non-CDL drivers will take the opportunity for a random selection away from the CDL driver resulting in the CDL driver not having an equal chance of being tested each time selections are made.
4. ***Serious Violations** Applies only to CR This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.
5. Within 15 days, submit a corrective action letter explaining remedies for a non-compliant status. Include documents required for the corrective actions to gain a compliant status.

Send your letter to:

Kansas Corporation Commission
Attention: Gary Davenport
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027

6. ***SMS Preview for all recommendations All Recommendations** "For all Investigations:
 - Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
 - Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
 - NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

 - All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>
- FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial





MARCELLUS HOUSE MOVING LLC
U.S. DOT #: 328489

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Review Date:
07/09/2018

Part B Requirements and/or Recommendations

motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a Notice of Claim:

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027"

7. *Acknowledgement Statement Applies only to CR "I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of [motor carrier's] operating authority and/or the impoundment of [motor carrier's] vehicles.


Carrier Representative

7/9/18
Date

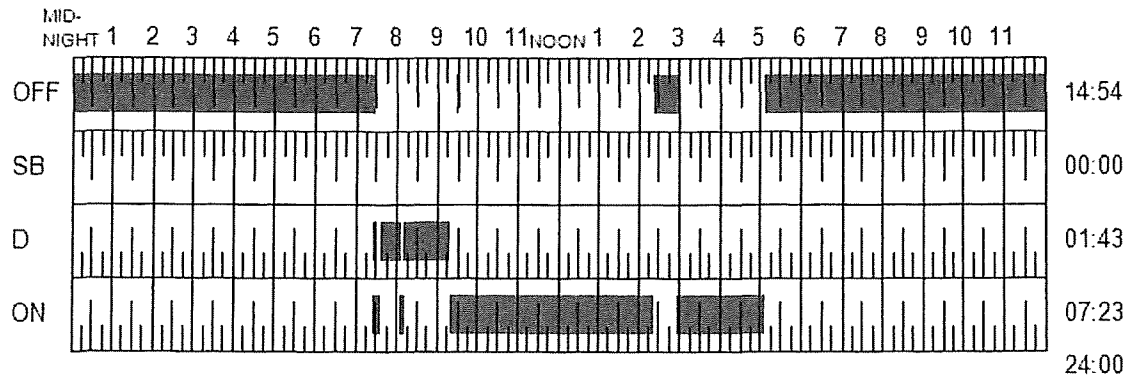


ATTACHMENT “B”

Marcellus, Tommy C

Driver's Log

Record Date: 5/17/2018 CDT



Current Log Events

Type / Status	Seq ID	Origin	Record Status	Start	End	Details	Vehicle ID	Vehicle Miles	Engine Hrs
OFF	2620	Driver	Active	5/16/2018 6:08 PM	7:25 AM	KS Liberal Malfunction Detected Data Diagnostic Event Detected	12	N/A	N/A
[5/16/2018 6:08 PM CDT Tommy Marcellus (0003)] Going home									
Engine Power Up	2626	Automatic	Active	7:25 AM	-	KS Liberal	12	N/A	N/A
Data Diagnostic Detected - 3	2627	Automatic	Active	7:25 AM	-	Missing Required Data Elements Data Event	12	N/A	N/A
ELD Login	2628	Automatic	Active	7:25 AM	-		12	N/A	N/A
ON	2629	Driver	Active	7:25 AM	7:26 AM	liberal, KS Malfunction Detected Data Diagnostic Event Detected	12	N/A	N/A

CERTIFICATE OF SERVICE

19-TRAM-076-PEN

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 08/29/2018.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

TOMMY MARCELLUS, MANAGING MEMBER
MARCELLUS HOUSE MOVING, LLC
631N LINCOLN
LIBERAL, KS 67901

/S/ DeeAnn Shupe

DeeAnn Shupe