

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

October 2, 2014

15-TRAM-106-PEN

Stephanie Hrabe, Office Manager  
Universal Communications, L.L.C.  
19915 W 161st St Ste E  
Olathe, Kansas 66062

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 3, 2014, by Kansas Corporation Commission Special Investigator Verna Jackson and B.K. Smith. For a full description of the penalty and process please refer to the Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,700 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Fiscal Section of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by calling the Fiscal Office at 785-271-3113.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

### IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2013 Supp. 77-542.

### IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Michael J. Duenes  
Litigation Counsel  
(785) 271-3181

**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 Investigation of **Universal**      )  
**Communications, L.L.C., of Olathe, Kansas,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 15-TRAM-106-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). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

**I.      JURISDICTION**

1.      Pursuant to K.S.A. 2013 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. 2013 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. 2013 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. Universal Communications, L.L.C. (Universal Communications) operates under USDOT number 1782434.

5. Universal Communications does installation of suspended and buried fiber optics, television cable, and other communications type utilities.

6. Universal Communications is a private motor carrier which primarily hauls machinery, large objects, utilities and construction materials.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on September 3, 2014, Commission Staff (Staff) Special Investigators Verna Jackson and B.K. Smith conducted a compliance review of the operations of Universal Communications. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Ms. Jackson and Mr. Smith identified four (4) violations of the Motor Carrier Safety Regulations.

- a. On July 1, 2014, Universal Communications required or permitted its driver, Dustin Hunter, to operate a commercial motor vehicle, a 2000 Peterbilt, VIN ending in 511566, in intrastate commerce. This trip is evidenced by Mr. Hunter's Employee Time Sheet, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by

reference. At the time of this transportation, Universal Communications failed to require its driver to complete a Driver's Vehicle Inspection Report (DVIR). The special investigators found five (5) violations of this type. Universal Communications' failure to require each of its drivers to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2013 Supp. 66-1,129. Staff recommends a fine of \$200.

- b. On July 1, 2014, Universal Communications required or permitted its driver, Ines Flores, to operate a commercial motor vehicle, a 2003 Ford, VIN ending in 32851, towing a 2005 Redi Haul Trailer, VIN ending in 51021592. This trip is evidenced by Driver's Vehicle Inspection Report (DVIR), a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Universal Communications allowed Mr. Flores to operate a commercial motor vehicle that required a Class A CDL driver's license when he only had a Class E Florida driver's license in his possession. *See* a copy of the Class E driver's license, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. Universal Communications' failure to ensure its driver possess a valid commercial motor vehicle license that meets the standards to operate the commercial motor vehicle is in violation of 49 C.F.R. 383.23(a)(2), as implemented by K.S.A. 8-235

and required by 49 C.F.R. 392.2 as adopted by K.A.R. 82-4-3h and as authorized by K.S.A. 2013 Supp. 66-1,129. Staff recommends a fine of \$-500.

- c. On July 22, 2014, Universal Communications required or permitted its driver, Dustin Hunter, to operate a commercial motor vehicle, a 2000 Peterbilt, VIN ending in 511566, in intrastate commerce from Abilene, Kansas to Ottawa, Kansas. This trip is evidenced by a trip record, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, Universal Communications did not have Kansas Corporation Commission private carrier (PRI-D) operating authority to operate a commercial motor vehicle from point-to-point in the state of Kansas. Universal Communications' commercial operation of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2013 Supp. 66-1,111 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h and authorized by K.S.A. 2013 Supp. 66-1,129. Staff recommends a fine of \$500.
- d. On July 21, 2014, Universal Communications required or permitted its driver, John Pendergraft, to operate a commercial motor vehicle, a 2010 Chevrolet, VIN ending in 32851, pulling a 2008 PJ Trailer, VIN ending in 1108324, in interstate commerce from Olathe, Kansas to Lincoln, Missouri. This trip is evidenced by Driver's Vehicle Inspection Report, a copy of which is attached hereto as Attachment "F" and is hereby incorporated by reference. Universal Communications permitted this

transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. This violation is evidenced by the absence of a periodic (annual) inspection report in the maintenance file of the vehicle at the time of the compliance review. Universal Communications' failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2013 Supp. 66-1,129. Staff recommends a fine of \$500.

#### **IV. STAFF'S RECOMMENDATIONS**

8. Based upon the available facts, Staff recommends the Commission find Universal Communications committed four (4) violations 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. Additionally, Staff recommends a civil penalty of \$1,700 for four (4) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Universal Communications be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Universal Communications submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over Universal Communications because it is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108.

13. The Commission finds Universal Communications committed four (4) violations of Kansas law that govern 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.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Universal Communications, L.L.C., of Olathe, Kansas is hereby assessed a \$1,700 civil penalty for four (4) violations 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.

B. Universal Communications is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Universal Communications is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2013 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Executive Director, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date

**of service of this Order.** If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Universal Communications's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,700 civil penalty against Universal Communications, and ordering Universal Communications to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. A corporation shall not be permitted to enter an appearance, except by its attorney.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Fiscal Section of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$1,700 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Universal Communications's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

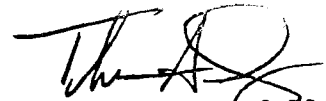


G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: OCT 02 2014




ORDER MAILED OCT 03 2014

Thomas A. Day  
Acting Executive Director

MJD

## **ATTACHMENT “A”**

	<b>US DOT #</b> 1782434	<b>Legal:</b> UNIVERSAL COMMUNICATIONS LLC <b>Operating (DBA):</b>	
<b>MC/MX #:</b>		<b>Federal Tax ID:</b> [REDACTED] (EIN)	
<b>Review Type:</b> Compliance Review (CR)			
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.	
<b>Territory:</b>			
<b>Operation Types</b> Interstate Intrastate			
<b>Carrier:</b> HM	HM	<b>Business:</b> Corporation	
<b>Shipper:</b> N/A	N/A	<b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2013	
<b>Cargo Tank:</b> N/A			
<b>Company Physical Address:</b> [REDACTED]			
<b>Contact Name:</b> Stephanie Hrabe			
<b>Phone numbers: (1)</b> [REDACTED]			
<b>E-Mail Address:</b> [REDACTED]			
<b>Company Mailing Address:</b> 19915 WEST 161ST STREET SUITE OLATHE, KS 66062			
<b>Carrier Classification</b> Private Property			
<b>Cargo Classification</b> Machinery, Large Objects      Utility      Construction			
<b>Hazardous Materials</b> 9 Miscellaneous HM      Carried      Non-Bulk			
<b>Equipment</b>			
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
Truck	30	0	0
Trailer	17	0	0
Power units used in the U.S.: 30			
Percentage of time used in the U.S.: 100			
<b>Does carrier transport placardable quantities of HM?</b> No			
<b>Is an HM Permit required?</b> N/A			
<b>Driver Information</b>			
	<b>Inter</b>	<b>Intra</b>	
< 100 Miles:			<b>Average trip leased drivers/month:</b> 0
>= 100 Miles:	26	2	<b>Total Drivers:</b> 28
			<b>CDL Drivers:</b> 11





UNIVERSAL COMMUNICATIONS LLC

U.S. DOT #: 1782434

Review Date:

09/03/2014

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or  
Hazardous Materials rules may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road  
Topeka, KS 66604  
Phone 913-755-1289

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** David Krantz

**Title:** General Manager

**Name:** Stephanie Hrabe

**Title:** Office Manager





UNIVERSAL COMMUNICATIONS LLC

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09/03/2014

## Part B Violations

1 FEDERAL CRITICAL	Primary: 396.11(a)	Discovered 5	Checked 30	Drivers/Vehicles In Violation 1	Checked 7
<b>Description</b> Failing to require driver to prepare driver vehicle inspection report. <b>Example</b> Dustin Hunter operated a CMV T27 a 2000 Peterbuilt Truck Tractor VIN: [REDACTED] 511566 on July 1, 2014 without completing a Driver Vehicle Inspection Report at the completion of the day.					
2 FEDERAL	Primary: 391.11(b)(5) Secondary: 391.11(a)	Discovered 1	Checked 11	Drivers/Vehicles In Violation 1	Checked 11
<b>Description</b> Using a driver without a currently valid commercial motor vehicle operator's license or permit. <b>Example</b> Benjamin T. Daniel, was operating a 2004 Ford F550, VIN [REDACTED] 95776 with KS Reg [REDACTED], GVWR greater than 17,500 in interstate commerce when involved in an accident on January 12, 2014, MOHP report MP0000052969. Daniel has an Illinois Class D license which is for a single vehicle under 16,000 GVWR, a Class C is required for vehicle 16,001-26,000 LBS.					
3 FEDERAL	Primary: 391.21(b)	Discovered 5	Checked 8	Drivers/Vehicles In Violation 5	Checked 8
<b>Description</b> Using a driver who has an incomplete employment application. <b>Example</b> Benjamin T. Daniel, was operating a 2004 Ford F550, VIN [REDACTED] 95776 with KS Reg [REDACTED], GVWR greater than 10,001 in interstate commerce when involved in an accident on January 12, 2014, MOHP report MP0000052969, application not to USDOT requirements.					
4 FEDERAL	Primary: 391.45(a) Secondary: 391.11(a)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
<b>Description</b> Using a driver not medically examined and certified. <b>Example</b> Benjamin T. Daniel, was operating a 2004 Ford F550, VIN [REDACTED] 95776 with KS Reg [REDACTED], GVWR greater than 10,001 in interstate commerce when involved in an accident on January 12, 2014, MOHP report MP0000052969, No medical card in DQ file.					
5 FEDERAL	Primary: 391.51(b)(5)	Discovered 4	Checked 8	Drivers/Vehicles In Violation 4	Checked 8
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> Benjamin T. Daniel, was operating a 2004 Ford F550, VIN [REDACTED] 95776 with KS Reg [REDACTED], GVWR greater than 10,001 in interstate commerce when involved in an accident on January 12, 2014, MOHP report MP0000052969, No notation of MVR					





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09/03/2014

## Part B Violations

6 FEDERAL	Primary: 391.51(b)(6)	Discovered 4	Checked 8	Drivers/Vehicles In Violation 4	Checked 8
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> Benjamin T. Daniel, was operating a 2004 Ford F550, VIN [REDACTED] 95776 with KS Reg [REDACTED], GVWR greater than 10,001 in interstate commerce when involved in an accident on January 12, 2014, MOHP report MP0000052969, No certification of MVR					
7 STATE	Primary: 392.2 Secondary: KSA 66-1,112g	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<b>Description</b> Operating a commercial motor vehicle without KCC private carrier (PRI-D) operating Authority. <b>Example</b> Dustin Hunter operated a CMV T27 a 2000 Peterbuilt Truck Tractor VIN: [REDACTED] 511566 on July 22, 2014 the vehicle showed fuel stops in Abilene and Ottawa ks. The vehicle GVWR is 34,700.					
8 FEDERAL	Primary: 392.2	Discovered 1	Checked 11	Drivers/Vehicles In Violation 1	Checked 11
<b>Description</b> Operating a CMV when not in possession of CDL issued by his/her State or Jurisdiction of domicile. CDL must meet the standards contained in 49 CFR 383.23 (a)(2) subpart J of this part, as adopted by KSA 8-2,125. <b>Example</b> Ines Flores drove unit T34 a 2003 Ford VIN [REDACTED] 32851, Kansas Registration [REDACTED] GVWR 15,000, towing Unit TR57 a 2005 Redi Haul Trailer VIN [REDACTED] 51021592, KS Registration [REDACTED] GVWR 11,680. Flores has a Class E Florida regular drivers' license.					
9 FEDERAL	Primary: 396.11(c)	Discovered 1	Checked 30	Drivers/Vehicles In Violation 1	Checked 7
<b>Description</b> Failing to correct safety-related defects listed on vehicle inspection report(s). <b>Example</b> On July 11, 2014 Joshua Fattig drove Unit T34 A 2003 Ford VIN: [REDACTED] 32851 GVWR 24,000 w. A defect was noted as air filter needed replaced on DVIR, it was not repaired or replaced, per 396.11(a) (3) (ii)					
10 FEDERAL	Primary: 396.17(a)	Discovered 1	Checked 8	Drivers/Vehicles In Violation 1	Checked 8
<b>Description</b> Using a commercial motor vehicle not periodically inspected. <b>Example</b> On 7-21-2014 John Pendergraft drove a 2010 Chevrolet VIN [REDACTED] 1267145, GVWR 9,200 unit T17 and pulled unit TR03 a 2008 PJ Trailer GVWR 24,000 VIN [REDACTED] 1108324 vehicle was fueled in Lincoln, Missouri at 6:22 PM. The annual inspection was out of date for Unit TR03.					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 240,000 Recordable Accidents 1 Recordable Accidents/Million Miles 4.17		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			





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### Part B Violations

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:	C	0	1
Factor 5:	S	0	0
Factor 6:	S	-	-

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



**Part B Requirements and/or Recommendations**

1. "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 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.

2. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring

DESCRIPTION OF PROCESS BREAKDOWN: Not all drivers were medically qualified or had proper license for vehicles they operated. Not all applications were DOT approved. MVR reports were conducted however not reviewed and certified with notes in the file

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director, dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

Seek Out Resources:

- You are encouraged to review your company's record at the following web site: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of





**Part B Requirements and/or Recommendations**

every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

4. Obtain a copy of each driver's driving record and review it annually.
5. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
6. Intrastate operation beyond exempt radius in Kansas requires carrier to obtain PRI-D operating authority from Kansas Corporation Commission.
7. **VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Roles and Responsibilities**

DESCRIPTION OF PROCESS BREAKDOWN: Drivers were not made aware it is their responsibility to complete DVIRS and assure violations were corrected. Annual Inspections were not conducted in a timely manner as carrier was not aware trailers needed to be annually inspected

**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.
- Define and document roles and responsibilities of mechanics and technicians for differentiating between safety-related defects and other defects and for taking unsafe vehicles Out-of-Service (OOS).
- Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.
- Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
- Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
- Define driver responsibilities for informing managers, supervisors, and mechanics/technicians of safety-related defects and repair requirements prior to vehicle operation, including those resulting from vehicle Out-of-Service (OOS) orders.

**Passenger Carrier Only:**

- Designate a manager to collect and evaluate all vehicle- inspection, repair, and maintenance-related customer complaints and their safety implications.

**Seek Out Resources:**

- You are encouraged to review your company's record at the following web site: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

8. Ensure that all commercial motor vehicles, which would include trailers as well as power units, have a current Annual Inspection as required by 396.17.
9. Make sure you certify and document the defects noted by your drivers on their DVIRs have been repaired or were not necessary to repair.
10. "For all Investigations:
  - Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also





UNIVERSAL COMMUNICATIONS LLC

U.S. DOT #: 1782434

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## Part B Requirements and/or Recommendations

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: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- 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 web site 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.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations that did not result in a Cooperative Safety Plan:

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 15 days and any additional evidence necessary to prove the corrective action has been taken to:

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

11. "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 Rodriguez Mechanical Contractors Inc. operating authority and/or the impoundment of Rodriguez Mechanical Contractors Inc





UNIVERSAL COMMUNICATIONS LLC  
U.S. DOT #: 1782434

Review Date:  
09/03/2014

### Part B Requirements and/or Recommendations

vehicles.

Carrier Representative

Date



## **ATTACHMENT “B”**



# EMPLOYEE TIME SHEET

PLEASE SUBMIT TIME SHEET TO PAYROLL BY END OF BUSINESS FRIDAY

Last Name: Hunter  
First Name: Justin

Pay Period Ending: 7/2/12  
Classification: FOREMAN

Project: 9/13/12  
Last 4 SSN: 9734

WEEK ONE	Date	Job Name	Start Time	End Time	Hours Worked (over 40 hrs per week)	OT Hours (over 40 hrs per week)	Vacation Hours	Sick Hours	Holiday Hours	Drive Time	Notes
Sunday	6/24/12		9	2:00 PM	1 1/2						30 min Lunch
Monday	6/25/12		6:30	7:30	1 1/2						30 min Lunch
Tuesday	7/2/12		6:30	2:00 PM	1 1/2						30 min Lunch
Wednesday	7/4/12		6:30	12:30	6						30 min Lunch
Thursday											
Friday									8		
Saturday											
NOTES:											
					40	1					
					41						49

Supervisor Signature: [Signature] Employee Signature: [Signature]  
Withholding Exemption: 15

## **ATTACHMENT “C”**

# DRIVER'S VEHICLE INSPECTION REPORT

CARRIER'S NAME: Universal Cable

CARRIER'S ADDRESS: \_\_\_\_\_

TRACTOR/TRUCK NO.: T-34

TRAILER(S) NO.(S): TR-57

TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRAILER(S)	DRIVER'S REPORT	MECHANIC'S REPORT
Brake Lines to Trailer	✓	✓	Frame & Assembly	✓	✓	Transmission	✓	✓	Brakes	✓	✓
Electric Lines to Trailer	✓	✓	Head Lights	✓	✓	Rear Vision Mirror	✓	✓	Brake Connections	✓	✓
Drive Line	✓	✓	Tail Lights	✓	✓	Steering	✓	✓	Coupling Devices	✓	✓
Coupling Devices	✓	✓	Stop & Turn Lights	✓	✓	Service Brakes	✓	✓	Coupling (King) Pin	✓	✓
Tires, Wheels, Rims	✓	✓	Clearance & Marker Lights	✓	✓	Speedometer	✓	✓	Doors	✓	✓
Suspension System	✓	✓	Reflectors	✓	✓	Other Items	✓	✓	Hitch	✓	✓
Body	✓	✓	Air Pressure Warning Device	✓	✓				Landing Gear	✓	✓
Glass	✓	✓	Oil Pressure	✓	✓	EMERGENCY EQUIPMENT			Lights - All	✓	✓
Fuel System	✓	✓	Ammeter	✓	✓	Reflective Triangles	✓	✓	Roof	✓	✓
Cooling System	✓	✓	Horn	✓	✓	Fire Extinguisher	✓	✓	Suspension System	✓	✓
Engine	✓	✓	Windshield Wipers	✓	✓	Flags, Fusees, Reflectors	✓	✓	Tarpaulin	✓	✓
Leaks	✓	✓	Parking Brakes	✓	✓	Spare Bulbs, Fuses	✓	✓	Tires	✓	✓
Exhaust	✓	✓	Clutch	✓	✓	Tire Chains	✓	✓	Wheels - Rims	✓	✓
									Other Items	✓	✓

I MADE INSPECTION AS REQUIRED ON LISTED ITEMS

DRIVER Fines Flores DATE 07/01

DRIVER USE ✓ IF SATISFACTORY  
USE X IF NOT SATISFACTORY

MECHANIC USE ✓ WHEN CORRECTED AND  
YOUR INITIALS

ODOMETER END OF DAY 234 976

ODOMETER START OF DAY 234 859

TOTAL MILES DRIVEN TODAY \_\_\_\_\_

NEXT LUBRICATION DUE AT \_\_\_\_\_

MILEAGE

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED  
FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE: \_\_\_\_\_

Fines Flores  
DRIVER'S SIGNATURE:

07/01/14  
DATE:

## **ATTACHMENT “D”**





## **ATTACHMENT “E”**

Customer Vehicle ID	Project	Trans Date	Merchant City	Merchant State	Driver Name	Current Odometer
T17	Cable One - Parsons	6/30/2014	COLUMBUS	KS	DAVID	190640
T17	Cable One - Parsons	7/1/2014	OSWEGO	KS	DAVID	190880
T17	Cable One - Parsons	7/2/2014	COLUMBUS	KS	DAVID	191056
T17	Cable One - Parsons	7/3/2014	COLUMBUS	KS	PENDERGRAFT	191366
T17	Ideatek - Ottawa	7/7/2014	COLUMBUS	KS	DAVID	191509
T17	Ideatek - Ottawa	7/10/2014	CHELSEA	OK	PENDERGRAFT	191964
T17	Ideatek - Ottawa	7/14/2014	OTTAWA	KS	SMITH	192559
T17	Cable One - Parsons	7/19/2014	COLUMBUS	KS	DAVID	192895
T17	Project Overhead	7/21/2014	LINCOLN	MO	PENDERGRAFT	193272
T17	Project Overhead	7/21/2014	OTTAWA	KS	PENDERGRAFT	193159
T17	Cable One - Parsons	7/22/2014	CARTHAGE	MO	PENDERGRAFT	193477
T17	Cable One - Parsons	7/24/2014	PARSONS	KS	PENDERGRAFT	193639
T17	Cable One - Parsons	7/24/2014	OSWEGO	KS	PENDERGRAFT	193886
T17	Cable One - Parsons	7/28/2014	COLUMBUS	KS	PENDERGRAFT	194118
T17	Ideatek - Ottawa	7/28/2014	OTTAWA	KS	PENDERGRAFT	194253
T27	Cable One - Parsons	6/29/2014	COLUMBUS	KS	HUNTER	745
T27	Cable One - Parsons	6/30/2014	OSWEGO	KS	HUNTER	865
T27	Cable One - Parsons	7/1/2014	OSWEGO	KS	HUNTER	91
T27	Cable One - Parsons	7/2/2014	COLUMBUS	KS	HUNTER	980
T27	Cable One - Parsons	7/7/2014	COLUMBUS	KS	HUNTER	1009
T27	Cable One - Parsons	7/7/2014	OSWEGO	KS	HUNTER	1019
T27	Cable One - Parsons	7/9/2014	COLUMBUS	KS	HUNTER	1120
T27	Cable One - Parsons	7/9/2014	OSWEGO	KS	HUNTER	9554
T27	Cable One - Parsons	7/10/2014	COLUMBUS	KS	HUNTER	1220
T27	Cable One - Parsons	7/11/2014	COLUMBUS	KS	HUNTER	1378
T27	Ideatek - Ottawa	7/13/2014	OSWEGO	KS	HUNTER	9563
T27	Ideatek - Ottawa	7/13/2014	COLUMBUS	KS	HUNTER	415
T27	Ideatek - Ottawa	7/13/2014	OSWEGO	KS	MOORE	101383
T27	Ideatek - Ottawa	7/15/2014	OTTAWA	KS	HUNTER	1560
T27	Ideatek - Salina	7/21/2014	MAPLE HILL	KS	HUNTER	1757
T27	Ideatek - Salina	7/21/2014	MCPHERSON	KS	MOORE	159634
T27	Ideatek - Salina	7/22/2014	ABILENE	KS	HUNTER	308
T27	Ideatek - Salina	7/22/2014	OTTAWA	KS	HUNTER	449
T27	Ideatek - Salina	7/23/2014	MAPLE HILL	KS	HUNTER	552
T27	Ideatek - Salina	7/23/2014	OTTAWA	KS	MOORE	196532
T27	Ideatek - Salina	7/24/2014	MCPHERSON	KS	HUNTER	2281
T27	Ideatek - Salina	7/27/2014	TOPEKA	KS	MADDEN	102497
T27	Ideatek - Salina	7/28/2014	STRONG CITY	KS	HUNTER	956
T27	Ideatek - Salina	7/28/2014	SALINA	KS	HUNTER	2639
T27	Ideatek - Salina	7/30/2014	SALINA	KS	HUNTER	2817

## **ATTACHMENT “F”**

# DRIVER'S VEHICLE INSPECTION REPORT

CARRIER'S NAME: Universal Communications

CARRIER'S ADDRESS: Slater KS

TRACTOR/TRUCK NO.: T-17 TRAILER(S) NO.(S): T-03

TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT	TRACTOR/TRUCK	DRIVER'S REPORT	MECHANIC'S REPORT
Brake Lines to Trailer.....	✓		Frame & Assembly.....	✓		Transmission.....	✓		Brakes.....	✓		Brake Connections.....	✓		Brake Connections.....	✓	
Electric Lines to Trailer.....	✓		Head Lights.....	✓		Rear Vision Mirror.....	✓		Coupling Devices.....	✓		Coupling Devices.....	✓		Coupling (King) Pin.....	✓	
Drive Line.....	✓		Tail Lights.....	✓		Steering.....	✓		Service Brakes.....	✓		Doors.....	✓		Hitch.....	✓	
Coupling Devices.....	✓		Stop & Turn Lights.....	✓		Speedometer.....	✓		Other Items.....	✓		Landing Gear.....	✓		Lights - All.....	✓	
Tires, Wheels, Rims.....	✓		Clearance & Marker Lights.....	✓		Other Items.....	✓		EMERGENCY EQUIPMENT			Roof.....	✓		Suspension System.....	✓	
Suspension System.....	✓		Reflectors.....	✓					Reflective Triangles.....	✓		Tarpaulin.....	✓		Tires.....	✓	
Body.....	✓		Air Pressure Warning Device	✓					Fire Extinguisher.....	✓		Wheels - Rims.....	✓		Other Items.....	✓	
Glass.....	✓		Oil Pressure.....	✓					Flags, Fuses, Reflectors.....	✓							
Fuel System.....	✓		Ammeter.....	✓					Spare Bulbs, Fuses.....	✓							
Cooling System.....	✓		Horn.....	✓					Tire Chains.....	✓							
Engine.....	✓		Windshield Wipers.....	✓													
Leaks.....	✓		Parking Brakes.....	✓													
Exhaust.....	✓		Clutch.....	✓													

I MADE INSPECTION AS REQUIRED ON LISTED ITEMS

DRIVER [Signature] DATE 7-21

ODOMETER END OF DAY 193000

ODOMETER START OF DAY 193000

TOTAL MILES DRIVEN TODAY 320

NEXT LUBRICATION DUE AT 193000

MECHANIC'S SIGNATURE: [Signature]

DRIVER USE ✓ IF SATISFACTORY  
USE X IF NOT SATISFACTORY

MECHANIC USE ✓ WHEN CORRECTED AND  
YOUR INITIALS

DRIVER'S SIGNATURE: [Signature]

DATE: 7-21

IN RE: DOCKET NO. 15-TRAM-106-PEN

DATE OCT 02 2014

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
STEPHANIE HRABE, OFFICE MANAGER UNIVERSAL COMMUNICATIONS, L.L.C. 19915 W 161ST ST STE E OLATHE, KS 66062		

ORDER MAILED OCT 03 2014

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.