BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Investigation of **Perry's Tire and**) **Supply, of Liberal, Kansas**, Regarding the Violation(s)) of the Motor Carrier Safety Statutes, Rules and) Regulations and the Commission's Authority to Impose) Penalties, Sanctions and/or the Revocation of Motor) Carrier Authority.)

Docket No. 22-TRAM-169-PEN

STAFF'S MOTION TO VACATE PENALTY ORDER

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The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its Motion to Vacate the Penalty Order issued to Perry's Tire and Supply (Carrier). In support of its Motion, Staff states as follows:

1. On October 13, 2021, Commission Staff UCR Manager Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for year 2020. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.¹

2. On October 21, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2020 UCR fees.

3. Carrier contacted Staff on November 6, 2021 stating that they no longer operate and requested their USDOT number be inactivated. Staff after reviewing available records determined that Carrier no longer operates and therefore determined the Penalty Order issued for not paying their 2020 UCR fees should be vacated. Staff has inactivated the Carrier's USDOT number.

4. Therefore, based on the facts in paragraph 3, above, Staff requests the Commission vacate the Penalty Order issued to Carrier on October 21, 2021.

¹ Staff's R&R, p. 1 (Oct. 13, 2021).

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission

vacate the Penalty Order issued to Perry's Tire and Supply in this docket on October 21, 2021.

Respectfully submitted,

/s/ Ahsan Latif

Ahsan Latif, S. Ct. #24709 Litigation Counsel Kansas Corporation Commission 1500 SW Arrowhead Road Topeka, Kansas 66604 (785) 271-3118 (Telephone) (785) 271-3124 (Facsimile) a.latif@kcc.ks.gov (E-mail)

For Commission Staff

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached motion has been served to the following by means of first class mail on November 9, 2021

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

Perry's Tire and Supply 314 S Kansas Liberal, KS 67901

/s/Abigail Emery