

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Emergency Suspension of)
Operating Authority of **Tess Limousine &**)
Airport Services Inc. of Overland Park, Kansas,) Docket No. 19-TRAM-275-OOS
for Failure 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. 2018 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.A.R. 82-4-1, 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. 2018 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. 2018 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. Tess Limousine & Airport Services Inc. is a motor carrier as defined in K.A.R. 82-4-1 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Tess Limousine & Airport Services Inc. is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 1487673.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Tess Limousine & Airport Services Inc.'s New Entrant Registration had been revoked effective January 15, 2019, for failure to comply with safety requirements.

7. Pursuant to the above authority, on January 20, 2019, the Commission entered an Emergency Suspension of Operating Authority Order on Tess Limousine & Airport Services Inc. in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On July 3, 2019, 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 Tess Limousine & Airport Services 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. 1487673 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 Tess Limousine & Airport Services Inc.'s motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Tess Limousine & Airport Services Inc. because it is a motor carrier as defined in K.A.R. 82-4-1.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Tess Limousine & Airport Services Inc.'s operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Tess Limousine & Airport Services 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. Tess Limousine & Airport Services Inc. remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on January 20, 2019, and provide proof of attendance to Litigation Counsel.

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.

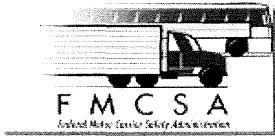
Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 07/11/2019



Lynn M. Retz
Executive Director

AAL

Choose Subsystem 

Out of Service Records



USDOT Number:	1487673	Company Type:	CARRIER	Status:	ACTIVE
Legal Name:	TESS LIMOUSINE & AIRPORT SERVICES INC				
Physical Address:	10800 METCALF AVE, OVERLAND PARK, KS 66210-2320				

OOS Date	State	Rescind Date	Reason Description
01/15/2019		07/02/2019	UNSATISFACTORY = UNFIT

Options for this Company 

July 03, 2019

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Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-5660 - TTY: 1-800-877-8339 - [Field Office Contacts](#)

CERTIFICATE OF SERVICE

19-TRAM-275-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 07/12/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe