

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the General Investigation of **Celo**)
Transport LLC of Springdale, Arkansas, Pursuant to)
the Kansas Highway Patrol Issuance of a Notice of)
Violation(s) and Invoice for the Violations of the Kansas) Docket No. 25-GIMM-184-KHP
Motor Carrier Safety Statutes, Rules and Regulations.)

ORDER GRANTING STAFF'S MOTION TO DISMISS REQUEST FOR HEARING

This matter comes before the State Corporation Commission of the State of Kansas (Commission) on Staff's Motion to Dismiss Celo Transport LLC's (Celo Transport) Request for Hearing. Having examined its files and records and being fully advised on the premises, the Commission finds and concludes as follows:

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 66-1,142b, the Commission is granted "the power, by general order or otherwise, to prescribe reasonable rules and regulations for the assessment of administrative civil penalties and sanctions for violations of any statute, commission orders or rules and regulations adopted by the commission."

3. On September 11, 2024, the Kansas Highway Patrol (KHP) issued a Notice of Violation(s) to Celo Transport, for alleged violations found during a September 4, 2024, routine motor carrier stop and inspection.

4. As a result of this inspection, Celo Transport was assessed a \$150.00 in civil fines, for “Brakes OOS (#defective = or > 20%),” citing 49 C.F.R. 396.3.

5. On September 26, 2024, Celo Transport initiated a formal challenge with the KHP.

6. On October 4, 2024, the Kansas Highway Patrol denied Celo Transport’s challenge to the violation and advised Celo Transport of its right to an administrative hearing before the Commission.

7. On October 4, 2024, Celo Transport requested a hearing before the Commission.

8. On October 29, 2024, and November 4, 2024, the parties informally discussed the violation. At the conclusion of these discussions, Mr. Gray stated he planned to pay the \$150 civil fine.

9. On November 12, 2024, Mr. Gray withdrew Celo Transport’s Request for Hearing.

10. The Commission concludes that Celo Transport LLC has withdrawn its Request for Hearing and therefore grants Staff’s Motion to Dismiss Request for Hearing and orders Celo Transport LLC to pay the \$150 civil fine.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Staff’s Motion to Dismiss Request for Hearing is hereby granted and Celo Transport LLC is ordered to pay the \$150 civil fine.

B. Payment of the \$150 civil fine is due in thirty (30) days from the date of service of this Order. Failure of Celo Transport LLC to pay will result in suspension of Celo Transport LLC's intrastate motor carrier operating authority in Kansas without further notice.¹ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/19/2024



Lynn M. Retz
Executive Director

AAL

¹ K.S.A. 66-1,105.

² K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

25-GIMM-184-KHP

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/19/2024.

James Gray, SR., PRESIDENT
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/S/ KCC Docket Room
KCC Docket Room