

1 **Q. Please state your name.**

2 A. Gary Davenport.

3 **Q. Are you employed?**

4 A. Yes.

5 **Q. Who is your employer?**

6 A. The Kansas Corporation Commission.

7 **Q. Where is your employer located?**

8 A. 1500 Southwest Arrowhead Road, Topeka, Kansas 66604.

9 **Q. How long have you been employed at the Kansas Corporation Commission?**

10 A. Eleven years.

11 **Q. What is your current position with the Kansas Corporation Commission?**

12 A. I am the Deputy Director of the Commission's Transportation Division.

13 **Q. Please summarize your educational and professional background.**

14 A. I have a Bachelor of Arts degree in education from Wichita State University. I
15 worked as a professional over-the-road truck driver for nine years delivering
16 goods throughout the lower 48 states. Prior to coming to the Commission in May
17 2008, I worked for the Kansas Motor Carriers Association (KMCA) for 19 years
18 as the Director of Safety and Risk Management.

19 While at KMCA, I was responsible for all motor carrier safety compliance
20 training for the members, including: commercial driver's license (CDL); drug and
21 alcohol testing, including supervisor and collector training; driver qualification
22 requirements; general safety requirements; hours of service requirements;
23 maintenance requirements, including daily inspection and annual inspection;

1 vehicle and load securement requirements; and all aspects of compliance with the
2 U.S. Department of Transportation (USDOT) Pipeline and Hazardous Materials
3 Administration (PHMSA) hazardous materials regulations. I also performed
4 cursory compliance reviews on motor carriers who wanted to check their
5 compliance with the Federal Motor Carrier Safety Regulations (FMCSRs).

6 I also received my Certified Director of Safety (CDS) from the North
7 American Transportation Management Institute (NATMI) and am a certified
8 instructor for NATMI certification courses.

9 **Q. Have you previously testified before this Commission?**

10 A. Yes.

11 **Q. What is the purpose of your testimony in this proceeding?**

12 A. The purpose of my testimony is to explain the Commission's jurisdiction as it
13 pertains to Matthias W. Schroeder of Hunter, Kansas.

14 **Q. What is your understanding of Mr. Schroeder's reasons for requesting this
15 hearing?**

16 A. Based on the request for hearing that Mr. Schroeder filed, he questions the Order
17 Suspending Intrastate Motor Carrier Operations claiming he did not know about
18 the penalty or did not receive the Penalty Order. A true and correct copy of the
19 Mr. Schroeder's Request for Hearing is attached to this testimony as Davenport
20 Attachment "A."

21 **Q. Based on your understanding of Mr. Schroeder's Request for Hearing, is he
22 challenging any of the violations in the Penalty Order issued by the
23 Commission on August 9, 2018?**

1 A. No. His Request for Hearing does not challenge the validity of anything in the
2 penalty order. His Request for Hearing was filed in response to the Commission's
3 November 20, 2018, Order Suspending Intrastate Motor Carrier Operations. His
4 Request for Hearing challenges the validity of the Out of Service designation
5 based on his claims he was unaware of the Penalty Order.

6 **Q. Did the Transportation Division send Mr. Schroeder copies of his**
7 **Compliance Review and Penalty Order?**

8 A. Yes. On multiple occasions Staff sent Mr. Schroeder correspondence regarding
9 his Compliance Review, his Penalty Order and the fines that were due as a result
10 of the Penalty Order.

11 Let me review all of Staff's attempts to correspond with Mr. Schroeder:

12 1.) On June 21, 2018, Special Investigator (SI) Gregory Askren conducted
13 an in-person compliance review at Mr. Schroeder's home.

14 2.) On June 26, 2018, SI Askren texted, phoned and emailed Mr.
15 Schroeder to follow up on the compliance review. SI Askren received
16 no response from Mr. Schroeder or his son.

17 3.) On June 28, 2018, SI Askren sent a copy of Part A and Part B of his
18 review, along with a twenty-seven page document detailing how Mr.
19 Schroeder could remediate his motor carrier operations. The envelope
20 was addressed to Mr. Schroeder's P.O. Box. The envelope was
21 returned to sender marked Unclaimed on July 21, 2018. Staff then
22 resubmitted the envelope and it was again returned to sender marked

- 1 Unclaimed on July 30, 2018. A true and correct copy of the returned
2 envelope is attached hereto as Davenport Attachment "B."
- 3 4.) On August 9, 2018, the Commission sent via certified mail a Penalty
4 Order to Mr. Schroeder's P.O. Box. On August 10, 201, the Penalty
5 Order was returned to sender marked Unclaimed on August 28, 2018.
6 The Penalty Order was then resent via regular U.S. mail to Mr.
7 Schroeder's P.O. Box on September 17, 2018. It was not returned. A
8 true and correct copy of the returned envelope is attached hereto as
9 Davenport Attachment "C."
- 10 5.) Pursuant to K.S.A. 77-531(b), "service by mail is complete upon
11 mailing." Staff established a service date of September 20, 2018 and
12 set a payment due date of October 22, 2018.
- 13 6.) On October 29, 2018, a collection letter was sent to Mr. Schroeder at
14 his P.O. Box. The Collection letter detailed the amount owed and set a
15 deadline of "ten days" to send payment. The collection letter was not
16 returned.
- 17 7.) On November 13, 2018, Staff filed its Motion to Suspend Intrastate
18 Motor Carrier Operations, which was served at the email address on
19 record for Mr. Schroeder.
- 20 8.) On November 20, 2018, the Commission issued its Order Suspending
21 Intrastate Motor Carrier Operations, which was served via certified
22 mail to Mr. Schroeder's P.O. Box.

1 **Q. Can you tell us why you assigned a compliance review to SI Askren to**
2 **conduct on Mr. Schroeder's operations?**

3 A. Mr. Schroeder was referred to the Transportation Division for a review after he
4 was assessed a civil penalty on a roadside inspection and he failed to pay it after
5 several notices.

6 **Q. Please explain this Commission's jurisdiction generally as it relates to motor**
7 **carriers.**

8 A. Pursuant to K.S.A. 2017 Supp. 66-1,108b, the Commission "is given full power,
9 authority and jurisdiction to supervise and control motor carriers, as defined in 49
10 C.F.R. 390.5, as in effect on July 1, 2017 or any later version as established in
11 rules and regulations adopted by the state corporation commission, doing business
12 or procuring business in Kansas, and is empowered to do all things necessary and
13 convenient for the exercise of such power, authority and jurisdiction." Through
14 K.S.A. 2017 Supp. 66-1,112, the Commission is vested with broad power and
15 authority in its duty to license, supervise and regulate every public motor carrier
16 of property, household goods, or passengers in Kansas.

17 Furthermore, K.S.A. 2017 Supp. 66-1,111 provides that:

18 "[N]o public motor carrier of property or passengers or private motor
19 carrier of property or local cartage carrier shall operate any motor
20 vehicle for the transportation of either persons or property on any
21 public highway in this state except in accordance with the provisions
22 of this act, and amendments thereto, and other applicable laws."

23 K.A.R. 82-4-1(z) defines a "motor carrier" as "any corporation, limited liability
24 company, partnership, limited liability partnership, or individual subject to the
25 provisions of the motor carrier laws of Kansas and under the jurisdiction of the
26 Kansas corporation commission."

1 Further, K.A.R. 82-4-3f adopts 49 C.F.R. 390.5's definition of "Employer." The
2 FMCSA defines "employer" as any person engaged in a business affecting
3 interstate commerce who owns or leases a commercial motor vehicle in
4 connection with that business, or assigns employees to operate it, but such terms
5 does not include the United States, any State, any political subdivision of a State,
6 or an agency established under a compact between States approved by the
7 Congress of the United States."

8 **Q. How do the Commission's statutes and regulations apply to Mr. Schroeder?**

9 With specific respect to Mr. Schroeder, K.S.A. 2017 Supp. 66-1,108(f) defines
10 "public motor carrier of property" as any person who undertakes for hire to
11 transport the property of others by commercial motor vehicle, from place to place,
12 the property other than household goods of others who may choose to employ or
13 contract with the motor carrier.

14 "Commercial motor vehicle" is defined in K.A.R. 82-4-1(f) as:

- 15 (1) A vehicle that has a gross vehicle weight rating or gross
16 combination weight rating, or a gross vehicle weight or gross
17 combination weight, of 4,536 kg (10,001 pounds) or more,
18 whichever is greater;
- 19 (2) a vehicle designed or used to transport more than eight passengers,
20 including the driver, for compensation;
- 21 (3) a vehicle that is designed or used to transport more than 15
22 passengers, including the driver, and is not used to transport
23 passengers for compensation; or
- 24 (4) a vehicle used in transporting material found by the secretary of
25 transportation to be hazardous under 49 U.S.C. 5103 and
26 transported in a quantity requiring placarding according to
27 regulations prescribed by the secretary under 49 C.F.R. Part 172 as
28 adopted in K.A.R. 82-4-20.

1 **Q. Mr. Davenport, based on the information in this docket, do you believe that**
2 **Mr. Schroeder is a motor carrier subject to this Commission's jurisdiction**
3 **and authority?**

4 A. Yes. Based upon the information in this docket, I have concluded that Mr.
5 Schroeder is a public motor carrier of property that operates commercial motor
6 vehicles in intrastate commerce.

7 **Q. Why do you believe Matthias Schroeder is a public motor carrier of property**
8 **and therefore subject to this Commission's jurisdiction and authority?**

9 A. Mr. Schroeder is a public motor carrier because he utilizes commercial motor
10 vehicles to transport property for compensation. According to the Kansas
11 Highway Patrol Driver/Vehicle Inspection Reports (DVIRs) KSHP92450646,
12 KSHP03792582 and KSHP92450712 (True and correct copies of these
13 inspections are attached hereto as Davenport Attachment "D"), the commercial
14 motor vehicles operated by Mr. Schroeder all had a Gross Combined Vehicle
15 Weight Rating (GCVWR) over the 10,001 pound threshold. When the combined
16 vehicle weight rating exceeds the 10,001 pound threshold it is to be classified as a
17 commercial motor vehicle as defined in K.A.R. 82-4-1(f)(1). SI Askren, in both
18 his testimony and in the Compliance Review attached to his testimony, stated that
19 Mr. Schroeder transported silage and manure for compensation. This is reflected
20 on the inspection reports as well. DVIR# KSHP92450646 states the Mr.
21 Schroeder's vehicle's cargo was "Silage," and DVIR# KSHP03792582 states the
22 cargo was "Manure."

1 **Q. Please list the elements necessary for a person or business to be classified as a**
2 **motor carrier.**

3 A. A “motor carrier” is defined by K.A.R. 82-4-1(z) as any corporation, limited
4 liability company, partnership, limited liability partnership, or individual subject
5 to the provisions of the motor carrier laws of Kansas and under the jurisdiction of
6 the Kansas Corporation Commission. They must use motor vehicles that meet the
7 definition of a commercial motor vehicle in the furtherance of a commercial
8 enterprise; meaning they must conduct or procure business in Kansas. The
9 specific definition and elements of a public motor carrier are detailed in my
10 testimony, above.

11 **Q. Does Mr. Schroeder satisfy those elements?**

12 A. Yes. Mr. Schroeder provides transportation of property for compensation by
13 commercial motor vehicle.

14 Prior to being subject to the Kansas Corporation Commission’s
15 jurisdiction, a business entity must be a motor carrier. As evidenced by the
16 inspection reports and SI Askren’s testimony and Compliance Review, Mr.
17 Schroeder was operating as a motor carrier as defined by K.A.R. 82-4-1(z).
18 Furthermore, as evidenced by the inspections, Mr. Schroeder was utilizing
19 vehicles that met the definition of a “commercial motor vehicle” pursuant to
20 K.A.R. 82-4-1(f)(1). The combined weight of the vehicles inspected meets the
21 regulatory definition of a commercial motor vehicle. Therefore, Mr. Schroeder
22 was operating a commercial motor vehicle.

1 In Kansas, motor carriers are subject to the Kansas Corporation
2 Commission's jurisdiction if they are engaged in a commercial enterprise. K.S.A.
3 2017 Supp. 66-1,108b gives the Commission the authority and jurisdiction to
4 supervise and control motor carriers doing business or procuring business in
5 Kansas. As evidenced by the inspections, Mr. Schroeder transported goods
6 interstate in Kansas.

7 Mr. Schroeder, in his statements to SI Askren at his compliance review,
8 stated that he employed drivers and utilized vehicles in his business. Therefore,
9 he meets the definition of an "employer" pursuant to 49 C.F.R. 390.5.

10 Based on the available evidence, Mr. Schroeder satisfies every element
11 necessary to be considered a motor carrier.

12 **Q. Is Mr. Schroeder subject to the safety rules and regulations of the**
13 **Commission?**

14 A. Yes. Based on the motor carrier documents we were able to review, Matthias
15 Schroeder is exempt from the Commission's economic regulation—the
16 requirement to obtain Commission operating authority—under K.S.A. 66-
17 1,109(w) and (t) because the carrier hauls silage and manure. To the extent that
18 Mr. Schroeder transports grain for hire, he would not fall under any exemption for
19 that activity and would then be subject to KCC economic regulations pursuant to
20 K.S.A. 66-1,109. Mr. Schroeder is not exempt from the Commission's safety
21 regulations found at K.S.A. 66-1,129, however. All of the violations alleged in
22 the Commission's August, 9, 2018, Penalty Order were related to safety.

1 **Q. Can you briefly summarize the types of regulations which would apply to**
2 **Mr. Schroeder under the Commission's safety regulations?**

3 A. K.S.A. 2017 Supp. 66-1,129(a) states that, "no public motor carrier of property,
4 household goods or passengers or private motor carrier of property shall operate
5 or allow the operation of any motor vehicle on any public highway in this state,
6 except within the provisions of the rules and regulations adopted by the
7 commission." The Commission's safety regulations are found at K.A.R. 82-4-1 *et*
8 *seq.*, and they include Federal Motor Carrier Safety Regulations of general
9 applicability, safety fitness procedures, driver qualification files regulation, hours
10 of service regulations, and inspection, repair and maintenance regulations.

11 **Q. Can you explain the differences between a public motor carrier, a for-hire**
12 **motor carrier, and a private motor carrier?**

13 A. A public motor carrier and a for-hire motor carrier is a person or business that
14 holds itself out to transport the property of others for compensation. "Public" and
15 "for-hire" denote the same type of operation, and the classification is used
16 interchangeably. 49 C.F.R. § 390.5, as adopted by K.A.R. 82-4-3f, defines
17 "private motor carrier" as, "a person who provides transportation of property or
18 passengers, by commercial motor vehicle, and is not a for-hire motor carrier." A
19 private motor carrier only transports their *own* property or supplies, and does not
20 hold themselves out for-hire. Aside from those differences, they remain subject to
21 identical commercial motor vehicle and commerce requirements described above.

1 **Q. Despite those differences, are public motor carriers, for-hire motor carriers,**
2 **and private motor carriers subject to the Commission’s authority and**
3 **jurisdiction?**

4 A. Yes.

5 **Q. Mr. Schroeder told SI Askren he felt that farmers should be exempt from**
6 **KCC regulations. Is there an exemption available to farmers?**

7 A. Yes, Kansas statute allows for certain exemptions for a farmer transporting their
8 own products to market. K.S.A. 66-1,129(c)(1) states that certain motor carrier
9 regulations do not apply for an intrastate commercial trip in the following
10 circumstances:

11 “(c) The provisions of 49 C.F.R. parts 390-399 adopted by reference in the
12 rules and regulations of the commission shall not apply to the following,
13 while engaged in the carriage of intrastate commerce:
14

15 (1)The owner of livestock or producer of farm products transporting
16 livestock of such owner or farm products of such producer to market in a
17 motor vehicle of such owner or producer, or the motor vehicle of a
18 neighbor on the basis of barter or exchange for service or employment, or
19 to such owner or producer transporting supplies for the use of such owner
20 or producer in or producer, or in the motor vehicle of a neighbor on the
21 basis of barter or exchange for service or employment...”
22

23 For interstate purposes, the FMCSA defines a “farmer” very narrowly as well. 49
24 C.F.R. 390.5 states a farmer is “any person who operates a farm or is directly
25 involved in the cultivation of land, crops or livestock which – (1) are owned by
26 that person; or (2) are under the direct control of that person.” Simply being
27 considered a farmer does not grant a motor carrier an exemption, however. The
28 farmer’s operation must involve “covered farm vehicles,” to avail themselves of
29 any applicable exemptions. Whether a farmer is operating a “covered farm

1 vehicle” is decided on a case by case basis. One trip may qualify depending on
2 the cargo, destination or origin and the operator, while another situation may not.

3 49 C.F.R. 390.5 defines a covered farm vehicle as follows:

4 •Travels in the State in which the vehicle is registered or in another State;

5 •Is operated by an owner or operator of a farm or ranch, or by a family
6 member or employee of the owner or operator;

7 •Transports agricultural commodities, livestock, machinery or supplies to
8 or from a farm or ranch;

9 •Has a license plate or some other means specified by the State that
10 identifies it as a farm vehicle;

11 •Is not used in for-hire motor carrier operations (but for-hire operations
12 do not include use of a vehicle owned and operated by a tenant farmer to
13 transport the landlord’s portion of the crops under a crop-share
14 agreement);

15 •[From § 390.39] Is not transporting hazardous materials that require
16 placarding, and either of the following:◦Has a GVW or GVWR

17 (whichever is greater) of 26,001 or less, in which case the CFV
18 exemptions in § 390.39 apply anywhere in the United States

19 ◦Has a GVW or GVWR (whichever is greater) of more than 26,001
20 pounds and travels within the State where it is registered or, if traveling
21 out of the State where it is registered, stays within a 150 air miles of the
22 owner or operator’s farm or ranch.

1 **Q. Do the motor carrier operations of Mr. Schroeder meet the intrastate farm**
2 **exemption or the interstate definition of a “covered farm vehicle” that would**
3 **exempt him from the regulations Staff alleges he has violated?**

4 A. Not for any of the trips relied on in the Penalty Order. Mr. Schroeder’s operations
5 in those roadside inspections did not involve the transportation of his own farm
6 product or livestock from his farm to market. Additionally, he has not
7 demonstrated that his operations meet the definition of a “covered farm vehicle.”
8 Namely, Mr. Schroeder admitted to SI Askren and has roadside inspections that
9 evidence he operates for-hire. Mr. Schroeder’s motor carrier operations involve
10 transporting property for others. The covered farm vehicle definition refers to
11 farmers or employees of farmers who are transporting products of their own farm
12 to and from market. Mr. Schroeder, from his own statements made during the
13 compliance review and also as evidenced by the roadside inspections, does not
14 limit his motor carrier operations to exempt farm activities.

15 **Q. What authority grants the Commission the ability to place motor carriers out**
16 **of service?**

17 A. K.S.A. 66-1,129a states that the “Commission, at any time for good cause shown,
18 may suspend the operation of any motor carrier subject to economic or safety
19 rules and regulations adopted by the commission.” Further K.S.A. 66-1,142b(h)
20 states that “the commission is granted the power, by general order or otherwise, to
21 prescribe reasonable rules and regulations for the assessment of administrative
22 civil penalties and sanctions for violations of any statute, commission orders or
23 rules and regulations adopted by the commission.” K.S.A 66-1,108 defines a

1 “public motor carrier of property” as “any person who undertakes for hire to
2 transport by commercial motor vehicle, from place to place, the property other
3 than household goods to others who may choose to employ or contract with the
4 motor carrier.” Mr. Schroeder’s operations as a public motor carrier of property
5 makes him a motor carrier under the jurisdiction of the Commission.

6 **Q. On what grounds did Staff base its November 13, 2018, Motion to Suspend**
7 **Intrastate Motor Carrier Operations?**

8 A. Staff filed the motion due to Mr. Schroeder’s failure to comply with the
9 Commission’s Penalty Order, which required Mr. Schroeder to pay a \$4,100 civil
10 penalty, among other things. Mr. Schroeder’s failure to pay this civil penalty after
11 repeated attempts to contact by the Transportation Division, through texts, emails,
12 and phone calls from SI Askren, and multiple mailings through U.S. mail by
13 Staff, was an intentional violation of a Commission Order. Pursuant to K.S.A.
14 66-1,129a, the Commission “at any time for good cause shown, may suspend the
15 operation of any motor carrier subject to economic or safety rules and regulations
16 adopted by the commission.” Staff believes Mr. Schroeder’s non-compliance with
17 the Commission’s August 9, 2018, Penalty Order was more than adequate
18 grounds for an out-of-service order to be issued.

19 **Q. Why is failure to comply with the Commission’s August 9, 2018, Penalty**
20 **Order a violation that should result in an out-of-service order being issued?**

21 A. Non-compliance with a Commission Order is a serious violation of the
22 Commission’s safety regulations. Failure to come into compliance and/or pay a
23 Commission ordered civil penalty is indicative of reckless and unsafe motor

1 carrier operations that can put the motoring public at risk. Mr. Schroeder was
2 found to be in violation of serious safety regulations and statutes in the
3 compliance review conducted by SI Askren. Instead of cooperating with SI
4 Askren, Mr. Schroeder disrupted and ignored repeated contacts to complete the
5 review and come into compliance. After the issuance of the August 9, 2018,
6 Penalty Order, Mr. Schroeder continued that pattern of non-compliance. Staff
7 filed its motion to put Mr. Schroeder out-of-service because it believes Mr.
8 Schroeder's continued non-compliance puts the motoring public at risk. One of
9 the inspections the compliance review was based on, DVIR# KSHP03792582, is a
10 post-crash inspection. Mr. Schroeder's continued inability to come to terms with
11 the safety regulations that apply to him has already proved dangerous. Allowing
12 his motor carrier operations to continue in the face of these repeated violations
13 was not an option for the Transportation Division.

14 **Q. Based on your experience with the Commission policies and practices as it**
15 **applies to the issuance of civil penalties, do you believe the out-of-service**
16 **order as well as the civil penalty in the Penalty Order is fair and consistent**
17 **with Kansas law and Commission practices?**

18 A. Yes, I believe the recommended civil penalty and out-of-service order were fair
19 and consistent with Kansas law and Commission practices.

20 **Q. Is there anything you would like to add to aid the Commission in its decision-**
21 **making?**

22 A. I believe the violations alleged in the Commission's August 9, 2018, Penalty
23 Order and the Out of Service Designation put in place by the Commission's

1 November 20, 2018, Order should remain in place. Staff has made great efforts to
2 bring Mr. Schroeder into compliance despite his non-cooperation throughout this
3 process. SI Askren met with Mr. Schroeder at his place of business and offered to
4 walk him through the process necessary to achieve compliance and was rebuffed
5 throughout his review. SI Askren further gave Mr. Schroeder multiple
6 opportunities to supplement his review prior to its completion, but received no
7 responses or participation from Mr. Schroeder. Staff then attempted multiple
8 times to send both the Compliance Review and the Penalty Order to Mr.
9 Schroeder by certified mail and finally by regular mail. The fact that documents
10 sent by regular mail were never returned is a strong indication that Mr. Schroeder
11 received the documents. Additionally, Mr. Schroeder made no arguments in his
12 Request for Hearing establishing a basis for removing the Out of Service
13 designation, let alone for dismissing any of the violations alleged in the Penalty
14 Order. It is my belief that the Penalty Order and the Out of Service Designation
15 should remain in place until such time that Mr. Schroeder comes into compliance
16 with Kansas motor carrier regulations.

17 **Q. Does this conclude your testimony?**

18 A. Yes

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

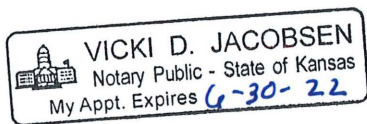
VERIFICATION

Gary Davenport, being duly sworn upon his oath deposes and states that he is the Deputy Director for the Transportation Division of the Kansas Corporation Commission of the State of Kansas, that he has read and is familiar with the foregoing *Direct Testimony*, and attests that the statements contained therein are true and correct to the best of his knowledge, information and belief.



Gary Davenport
Deputy Director of Transportation
State Corporation Commission of the
State of Kansas

Subscribed and sworn to before me this 7 day of January, 2019.




Notary Public

My Appointment Expires: June 30, 2022

DAVENPORT ATTACHMENT "A"

Docket No. 19-TRAM-051-PEN

Fax Cover Sheet

TO: *K,CC* FROM: *Matt Scroeder*

COMPANY: _____ DATE: *12/8/18*

FAX NUMBER: *785-271-3124* TOTAL NUMBER OF PAGES INCLUDING COVER: *2*

PHONE NUMBER: *785 271 3145* SENDER'S PHONE NUMBER: *785-545-5448 - cell*
Sender - Fax 785-524-3595

RE: *Contract letter*
2016 1970 0001 0574 3397

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

NOTES/COMMENTS:
forward page - 2

From Matt Schroeder

Re: ^{certified # 7016 1970 0001 0574 3300} letter received 11/23/18

Stating 25 Days to request
hearing.

2) I know nothing about
any Trucking 4600 deal
to the R.C.C.

3) I have never received any
papers stating any dollar Amount
is owed and for what.

4) I need a hearing to be
set probably in the middle
of January 2019. I won't be ~~available~~
available in December of 2018.

5) I'm going to need more info
about this B.S.

The Matts.

DAVENPORT ATTACHMENT "B"



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Return Service Requested

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Matthias W Schroeder Jr
 P.O. Box 1
 Hunter KS 67452



9590 9403 0221 5146 8553 38

017 2400 0000 5194 0019

Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below: No

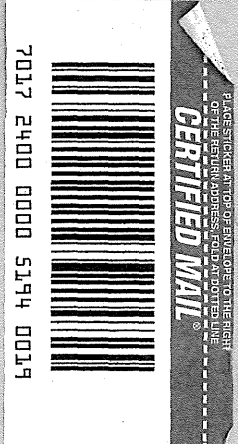
3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

BC: 66604402790
 0159N212054-01123
 RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD
 808 DC 1
 0007/30/18

1st labels -
 2nd 7/15/18 -
 Return 7/15/18 -
 Matthias W. Schroeder (Sr.)
 P.O. Box 1
 Hunter, KS. 67452

RETURN RECEIPT
REQUESTED



7017 2400 0000 5194 0019

FIRST CLASS



NIXIE 808 CO 1
 RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD
 8607/24/18

BC: 67452000101
 0159N202023-00730

DAVENPORT ATTACHMENT "C"

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits. 19-051-02A

MATTHIAS W. SCHROEDER, OWNER
 MATTHIAS W. SCHROEDER
 PO BOX 1
 HUNTER, KS 67452



9590 9402 2589 6336 9046 27

2. Article Number (Transfer from service label)
 7016 1970 0001 0574 5636

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X

B. Received by (Printed Name) C. Date of Delivery

Address different from Item 1? Yes
 or delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery



1 0574 5636

Kansas Corporation Commission
 SEP 14 2018
 Office of Litigation Counsel

Kansas Corporation Commission
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Hasler FIRST-CLASS MAIL
 08/10/2018
 US POSTAGE \$008.25

ZIP 66606
 011E12650520

1st 8/13/18 -
 2nd 8/15/18 -
 Return 8/28/18

Mailed 9-17-18,
 Service date 9-20-18

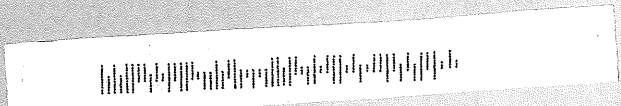
UNC

MATTHIAS W. SCHROEDER, OWNER
 MATTHIAS W. SCHROEDER
 PO BOX 1
 HUNTER, KS 67452

REASON FOR RETURN
 Moved, Left No Address
 Postmark Order Expired
 No Postage
 Address Not Known
 Refused
 No Such Street
 No Such Number
 Incorrect Address

REASON FOR RETURN
 Moved, Left No Address
 Postmark Order Expired
 No Postage
 Address Not Known
 Refused
 No Such Street
 No Such Number
 Incorrect Address

Legal



DAVENPORT ATTACHMENT "D"

ACCIDENT

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
 MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03792582
 Inspection Date: 03/17/2018
 Start: 10:10 AM CT End: 10:53 AM CT
 Inspection Level: I - Full
 HM Inspection Type: None

MATTHIAS W SCHROEDER

Driver: DOERING, DUSTIN D

HUNTER, KS, 67452

License#:

State: KS

USDOT: 2508525

Phone:

Date of Birth:

MC/MX#:

Fax#:

CoDriver:

License#:

State:

State#:

Date of Birth:

Location: GRAY COUNTY - 069

Milepost: Shipper: SPANDET DAIRY

Highway: K23/U50 JCT

Origin: CIMARRON,KS

Bill of Lading: NONE

County:

Destination: CIMARRON,KS

Cargo: MANURE

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment	LID	VIN	GWR	CVSA #	Issued #	OOS Sticker
1	F	FORD	1979	KS	335HNK			07503	50000			
2	F	RYKO	2010	KS	607647			302291	22500			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	INOP	2 1/2	3	INOP	INOP
Left	INOP	3	3	INOP	INOP
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	QOS	Citation #	Verify	Crash	Violations Discovered
392.2IRP	F	1	N	12328	N	N	IRP Apportioned Tag or Registration Violation
396.17C	F	1	N		N	N	Operating a CMV without proof of a periodic inspection
393.48A	F	1	N		N	N	Inoperative/defective brakes
393.48A	F	1	N		N	N	Inoperative/defective brakes
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment
396.3A1BOS	F	1	Y		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
393.51	F	1	Y		U	N	No or defective brake warning device
393.9H	F	1	N		N	N	Inoperable head lamps
393.9	F	1	N		N	N	Inoperable Required Lamp
393.9TS	F	1	N		N	N	Inoperative turn signal
393.26F	F	1	N		N	N	Stop lamp violations
393.9T	F	1	N		N	N	Inoperable tail lamp
396.17C	F	2	N		N	N	Operating a CMV without proof of a periodic inspection
393.48A	F	2	N		N	N	Inoperative/defective brakes
393.48A	F	2	N		N	N	Inoperative/defective brakes
393.48A	F	2	N		N	N	Inoperative/defective brakes
393.48A	F	2	N		N	N	Inoperative/defective brakes
393.9TS	F	2	Y		U	N	Inoperative turn signal
393.9TS	F	2	Y		U	N	Inoperative turn signal
393.26F	F	2	N		N	N	Stop lamp violations
393.23A2	F	D	Y	12326	N	N	Operating a CMV without a CDL
392.2C	F	D	N	12326	N	N	Failure to obey traffic control device

HazMat: No HM transported

Placard:

Cargo Tank:



02508525 KS KSHP03792582

ACCIDENT

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03792582
Inspection Date: 03/17/2018
Start: 10:10 AM CT End: 10:53 AM CT
Inspection Level: I - Full
HM Inspection Type: None

Special Checks:	Alcohol/Controlled Substance Check	<input checked="" type="checkbox"/>	Traffic Enforcement	<input checked="" type="checkbox"/>	Post Crash Inspection
	Conducted by Local Jurisdiction		PASA Conducted Inspection		PBBT Inspection
	Size and Weight Enforcement		Drug Interdiction Search		
	eScreen Inspection				

Notes: Gray County Sheriffs Office is working the accident. It is a non injury. Truck was not able to stop going through a red light and t-bone a passenger car. This carrier is for hire operating on a Farm tag. Gray County issued the citations for this accident/inspection. All other violations were civil assessed.

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare DUSTIN DOERING "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: has a valid class A cdi. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature. Signature Of Repairer X: _____ Facility: _____ Date: _____

**/* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **/* *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form. Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: H. Bradley Badge #: 0379

Copy Received By: DUSTIN DOERING

X

X



02508525 KS KSHP03792582

SAW

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP92450712
Inspection Date: 10/23/2017
Start: 1:02 PM CT End: 1:41 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

MATTHIAS W SCHROEDER
HUNTER, KS, 67452
USDOT: 2508525
MC/MX#:
State#:
Location: GRAY COUNTY - 069

Phone:
Fax#:

Driver: DENNIS, TREVOR
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State: KS
State:

Milepost: E Shipper: N/A
ROAD

Highway: CR 13
County:

Origin: INGALLS,KS
Destination: CIMARRON,KS

Bill of Lading: N/A
Cargo: NONE

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, QOS Sticker. Row 1: 1, TR, INTL, 1974, KS, 159981, 8084, 44860

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Table with columns: Section, Type, Unit, QOS, Citation #, Verify, Crash, Violations Discovered. Rows include citations for operating a CMV without a CDL, failing to register with FMCSA, and operating without required authority.

HazMat: No HM transported

Placard:

Cargo Tank:

Table for Special Checks with columns: Alcohol/Controlled Substance Check, Traffic Enforcement, Post Crash Inspection, Conducted by Local Jurisdiction, PASA Conducted Inspection, PBBT Inspection, Size and Weight Enforcement, Drug Interdiction Search, eScreen Inspection.

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier Indicated on this report. Driver Initials

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare TREVOR DENNIS "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until gets a cdl. and company gets authority. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier Indicated on this report. Driver Initials

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature. Signature Of Repairer X: Facility: Date:

** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. ** CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form. Signature Of Motor Carrier X: Title: Date:

Report Prepared By: Badge #:
R. Jantz 9245

Copy Received By:
TREVOR DENNIS

X

X



DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
 MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP92450646
 Inspection Date: 09/05/2017
 Start: 3:10 PM CT End: 4:38 PM CT
 Inspection Level: II - Walk-Around
 HM Inspection Type: None

MATTHIAS W SCHROEDER

Driver: BUCHANAN, JOHN W

HUNTER, KS, 67452

License# [REDACTED] State: KS

USDOT: 2508525

Phone#: (785)545-5448

Date of B [REDACTED]

CoDriver:

MC/MX#:

Fax#: (785)529-3595

License#:

State:

State#:

Date of Birth:

Location: GRAY COUNTY - 069

Milepost: 101 Shipper: N/A

Highway: U 50

Origin: CIMARRON,KS

Bill of Lading: N/A

County:

Destination: CIMARRON,KS

Cargo: SILAGE

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	FORD	1976	KS	NONE		[REDACTED] 35597	41000			

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.42A-BMAW	F	1	Y		U	N	Brake - All wheels not equipped with brakes as required.
393.25F	F	1	Y		U	N	Stop lamp violations
393.100A	F	1	Y		U	N	No or improper load securement
393.9TS	F	1	Y		U	N	Inoperative turn signal
383.23A2	F	D	Y	E001512006	N	N	Operating a CMV without a CDL
393.9H	F	1	N		N	N	Inoperable head lamps
396.17C	F	1	N		N	N	Operating a CMV without proof of a periodic inspection
393.23	F	1	N		N	N	Required lamp not powered by vehicle electric
390.21B	F	1	N		N	N	Carrier name and/or USDOT Number not displayed as required
393.9TS	F	1	N		N	N	Inoperative turn signal
392.2	F	1	N		N	N	Violation of Local Laws - Explain:
393.95A	F	1	N		N	N	No/discharged/unsecured fire extinguisher
393.95F	F	1	N		N	N	No / insufficient warning devices

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:	Alcohol/Controlled Substance Check	Traffic Enforcement	Post Crash Inspection
	Conducted by Local Jurisdiction	PASA Conducted Inspection	PBBT Inspection
X	Size and Weight Enforcement	Drug Interdiction Search	
	eScreen Inspection		

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare JOHN BUCHANAN "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: gets a cdl. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.
 Signature Of Repairer X: _____ Facility: _____ Date: _____

/ DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **/** CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.
 Signature Of Motor Carrier X: _____ Title: _____ Date: _____



CERTIFICATE OF SERVICE

19-TRAM-051-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Direct Testimony of Gary Davenport was placed in the United States mail, postage prepaid, or hand-delivered and/or e-mailed this 7th day of January, 2019, to the following:

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
m.duenes@kcc.ks.gov

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

MATTHIAS W. SCHROEDER, OWNER
MATTHIAS W. SCHROEDER
PO BOX 1
HUNTER, KS 67452
schroeder74j@gmail.com

/s/ Vicki Jacobsen

Vicki Jacobsen