

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

In the Matter of the Investigation of)
Vincernt Rodriguez d/b/a Rodriguez)
Underground Construction, of Kansas)
City, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 24-TRAM-630-PEN
Regulations and the Commission's)
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Vincernt Rodriguez d/b/a Rodriguez Underground Construction of Kansas City, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, in that it operates commercial motor vehicle(s) in intrastate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2140855.
3. Special Investigator Matt Adams made numerous attempts to contact Carrier to facilitate a safety compliance review on its operations as a motor carrier.
4. Ahsan Latif, Litigation Counsel, wrote and mailed Carrier a letter on March 4, 2024, informing Carrier that should it continue to resist by failing to respond, the Commission may suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Carrier. The letter gave Carrier ten (10) days from the date of the letter to respond. A copy of the letter is attached hereto as Attachment "A" and is hereby incorporated by reference.

5. As of March 18, 2024, Special Investigator Matt Adams and Litigation Counsel Ahsan Latif have not heard from Carrier to schedule a motor carrier safety compliance review.

6. Staff asks that the Commission find Carrier received sufficient notices of the need to submit documents necessary to conduct a safety compliance review.

7. Staff asks that the Commission find Carrier failed to respond to several attempts to contact.

8. Staff asks the Commission find that Carrier's resistance to respond to Special Investigator Adams' attempts to contact and Litigation Counsel Ahsan Latif's letter poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

9. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier authority operations until such time as Carrier contacts Special Investigator Matt Adams or Litigation Counsel Ahsan Latif to cooperate with Staff to submit documents necessary for a safety compliance review and permits such review, at which time Staff will recommend the Commission issue an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier operations.

Respectfully submitted,

/s/ Ahsan Latif

Ahsan A. Latif, #24709
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For Commission Staff

ATTACHMENT “A”

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Topeka, KS 66604-4027



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Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

March 4, 2024

Montserrat Guadalupe Mora Martinez, Secretary
Vincent Rodriguez, Rodriguez Underground Construction
1410 Armstrong Ave.
Kansas City, KS 66103

Re: Compliance Investigation

Dear Ms. Martinez:

The Kansas Corporation Commission is given full power, authority and jurisdiction to supervise and control motor carriers - as defined in the Kansas statutes - doing business or procuring business in Kansas, and may do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

From time to time, the commission is required to carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Further, the Commission has the authority to investigate an entity under the Commission's jurisdiction and order a hearing when the Commission believes the entity is in violation of the law or any order of the Commission.

Deliberate avoidance of a Commission-sponsored safety compliance review is a violation of the above-stated law and authority. Rodriguez Underground Construction is considered a motor carrier that is subject to the Commission's jurisdiction, and therefore, is required by law to submit to Commission compliance reviews.

Commission Special Investigator (SI) Matt Adams has made several attempts to facilitate a compliance review with you, to no avail. Phone calls or emails from SI Adams have not been returned in recent weeks. This letter therefore serves to notify you that should you continue to resist by failing to contact SI Adams within ten days of the date of this letter the Commission may suspend your motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against you.

Thank you for your cooperation. If you have any further questions, you may contact SI Matt Adams at 785-414-0625.

Sincerely,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel

CERTIFICATE OF SERVICE

24-TRAM-630-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on March 18, 2024.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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a.latif@kcc.ks.gov

Montserrat Martinez, SECRETARY
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rodriguezunderground50@gmail.com

/S/ Kiley McManaman

Kiley McManaman