

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

In the Matter of the Investigation of **Stephens**)
Cattle LLC of Grinnell, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 17-TRAM-457-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION TO AMEND PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Amended Penalty Order reducing the penalty assessed to Stephens Cattle LLC (Stephens Cattle), by fifty-percent (50%) less than the penalty assessed in the Penalty Order dated April 20, 2017. In support of this Motion, Staff states as follows:

1. On April 20, 2017, a Penalty Order was issued to Stephens Cattle assessing it a penalty of \$3,000 for eight (8) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted by Special Investigator(s) Penny Fryback on March 29, 2017.

1. The Notice of Penalty Assessment attached to the Penalty Order advised Stephens Cattle it was a New Entrant carrier and was eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

2. On May 10, 2017, Stephens Cattle submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by

Transportation Staff on May 26, 2017. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing Stephens Cattle a reduced penalty of \$1,500 (50% less than originally assessed) and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated April 20, 2017 Stephens Cattle shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order dated April 20, 2017, Stephens Cattle must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order Stephens Cattle must submit payment of \$1,500.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Stephens Cattle LLC a reduced penalty of \$1,500 and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,



Ahsan A. Latif, S. Ct. #24709
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Attorney for Commission Staff

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Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emker, Commissioner

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

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Stephens Cattle LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 20, 2017. Stephens Cattle has agreed to comply with the following terms and obligations:

1. Stephens Cattle has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 20, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Stephens Cattle will, within 30 days from the date of the Penalty Order dated April 20, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. Stephens Cattle will, within thirty (30) days from the date of the Penalty Order dated April 20, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.
4. Stephens Cattle will be available within eighteen (18) months from the date of the Penalty Order for a Safety Compliance Review. Transportation Staff will contact it to schedule the review.

Stephens Cattle LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the Agreement attached to the motion. The Amended Penalty Order will assess Stephens Cattle a fifty-percent (50%) reduced penalty of \$1,500, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Stephens Cattle will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 5 day of 10, 2017.

Kansas Corporation Commission

Stephens Cattle LLC

MAY 11 2017

Office of Litigation Counsel


Matt Stephens
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

VERIFICATION

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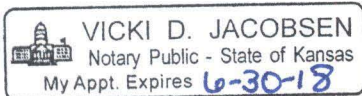
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Amend Penalty Order*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 26th day of May, 2017.


Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was served via electronic service this 26th day of May, 2017, to the following:

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Vicki Jacobsen