

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

In the Matter of the Investigation of **Sportsgear**)
Outdoor Products LLC d/b/a Athlon Optics, of)
Olathe, Kansas, Regarding the Violation(s) of the)
Motor Carrier Safety Statutes, Rules and Regulations) Docket No. 23-TRAM-192-PEN
and the Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

STAFF'S MOTION TO VACATE PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its Motion to Vacate the Penalty Order issued to Sportsgear Outdoor Products LLC d/b/a Athlon Optics (Carrier). In support of its Motion, Staff states as follows:

1. On September 26, 2022, Commission Staff UCR Manager Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for year 2022. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.¹

2. On September 29, 2022, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2022 UCR fees.

3. Carrier contacted Staff after the issuance of the Penalty Order stating that Carrier no longer operates commercial motor vehicles. Staff construed this as a request to inactivate Carrier's USDOT number.

4. Staff after reviewing available records inactivated Carrier's USDOT number. Additionally, Staff reviewed available records and could not find evidence the carrier was found operating in interstate commerce. Staff therefore determined the Penalty Order issued for not paying their 2022 UCR fees should be vacated.

¹ Staff's R&R, p. 1 (Sep. 26, 2022).

5. Therefore, based on the facts stated above, Staff requests the Commission vacate the Penalty Order issued to Carrier on September 29, 2022.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission vacate the Penalty Order issued to Sportsgear Outdoor Products LLC d/b/a Athlon Optics in this docket on September 29, 2022.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

CERTIFICATE OF SERVICE

23-TRAM-192-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion to Vacate penalty Order was placed in the United States mail, postage prepaid, or hand-delivered this 15th day of November, 2022, to the following:

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