

**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 Emergency Suspension of)
Operating Authority of **Five A Auto Sales LLC of**)
Shawnee, Kansas, for Failure to Comply with New) Docket No. 22-TRAM-523-OOS
Entrant Safety Requirements as Required by the)
Motor Carrier Safety Statutes, Rules and)
Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 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. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in

regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Five A Auto Sales LLC is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Five A Auto Sales LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 3634311.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Five A Auto Sales LLC's New Entrant Registration had been revoked effective May 17, 2022, for failure to comply with safety requirements.

7. Pursuant to the above authority, on May 24, 2022, the Commission entered an Emergency Suspension of Operating Authority Order on Five A Auto Sales LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

8. On March 8, 2024, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Five A Auto Sales LLC has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's

reapplication for New Entrant registration under USDOT No. 3634311 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation, a copy of which is attached hereto as Attachment "A" and is hereby incorporated by reference.

9. Carrier also attended a Kansas Corporation Commission-sponsored safety seminar as required by the Emergency Suspension of Operating Authority Order. A representative of Carrier attended on April 17, 2024. Their attendance was recorded on the Carrier's KTRAN Profile, a screenshot of which is attached hereto as Attachment "B" and is hereby incorporated by reference

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Five A Auto Sales LLC because it is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

11. Based on the available facts, the Commission finds that reinstatement of Five A Auto Sales LLC's motor carrier intrastate motor carrier operations in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Five A Auto Sales LLC's intrastate motor carrier operations in Kansas are hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 04/25/2024



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”



U.S. Department of
Transportation
**Federal Motor
Carrier Safety
Administration**

ALEJANDRO ZUBIA-TALAVERA
OWNER
FIVE A AUTO SALES LLC
3424 MERRIAM DR
SHAWNEE, KS 66203

1200 New Jersey Ave., S.E.
Washington, DC 20590
March 8, 2024

In reply refer to:
USDOT Number: 3634311

Action Required: Call to schedule a Safety Audit.

According to the Federal Motor Carriers Safety Administration's records, thirty days have elapsed since FIVE A AUTO SALES LLC's US DOT New Entrant registration was revoked on July 18, 2023, based on a failure to submit to a required safety audit. Our records also indicate that FIVE A AUTO SALES LLC has reapplied in accordance with 49 CFR section 385.329. FIVE A AUTO SALES LLC's reapplication for USDOT New Entrant registration has been approved. However, because a safety audit has not yet been conducted, FIVE A AUTO SALES LLC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-8533 as soon as possible to schedule a safety audit. In accordance with section 49 C.F.R. § 385.337, failure to permit a safety audit to be performed may result in the revocation of FIVE A AUTO SALES LLC's USDOT New Entrant registration and FIVE A AUTO SALES LLC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b)(2)(A), as adjusted for inflation.

FIVE A AUTO SALES LLC's 18-month new entrant safety monitoring period restarts as of March 8, 2024. FMCSA will continue to monitor and evaluate FIVE A AUTO SALES LLC's safety management practices and on-road performance to ensure FIVE A AUTO SALES LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of FIVE A AUTO SALES LLC's USDOT New Entrant or permanent registration.

Sincerely,

David J. Yessen, Chief, Compliance Division

ATTACHMENT “B”



FIVE A AUTO SALES LLC (3634311)

Search Authority Maintenance UCR Payments Remarks Documents Messages Exception Transactions

The information in KTRAN is updated daily through the Federal Motor Carrier Management Information System (MCMIS). So that KTRAN receives the most up-to-date information about your motor carrier operations, **you must keep your MCS-150 information updated**. KTRAN will reflect the update 24-36 hours after the MCS-150 information has been updated.

[Click here if you need to update your FMCSA registration or authority](#)

On 05/24/2022 an **EMERGENCY SUSPENSION OF OPERATING AUTHORITY ORDER** (22-TRAM-523-OOS) was issued for failure to comply with New Entrant Safety Requirements as required by the Motor Carrier Safety statutes, rules and regulations.



Carrier Operation: INTERSTATE

USDOT: 3634311

MCMIS Status: A

Tax Type/ID: / *****1

KTRAN PIN: [REDACTED]

IRP Status: Not Found

IFTA Status: Not Found

▼ Company Information

Legal Name: FIVE A AUTO SALES LLC

DBA Name:

Phone: (913) 403-1814

Fax: (913) 492-7524

Email: fiveaautosales@outlook.com

Bus. Type: No Data

Cell:

BEIN:

Edit

▼ Questionnaire

The questionnaire hasn't been completed

▼ Kansas Trucking Application Status

My Applications

Currently no Kansas Trucking Application for intrastate authority has been submitted.

► Address

Insurance

Authority

Cargo

Safety Seminar

Add

Date

Attendee

Location

04/17/2024

Alejandro Zubia

Other

CERTIFICATE OF SERVICE

22-TRAM-523-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 04/25/2024.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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ALEJANDRO ZUBIA-TALavera
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3424 Merriam Dr.
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ajzubiaaaa@gmail.com

/S/ KCC Docket Room

KCC Docket Room