

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

Before Commissioners:      Shari Feist Albrecht, Chair  
                                 Jay Scott Emler  
                                 Pat Apple

In the Matter of the Emergency Suspension of )  
Operating Authority of **Paradise Lawn &** )  
**Landscape LLC of Overland Park, Kansas,** for )      Docket No. 18-TRAM-116-OOS  
Failure to Comply with New 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. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b 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.S.A. 2016 Supp. 66-1,108, 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. 2016 Supp. 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. 2016 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. BACKGROUND**

4. Paradise Lawn & Landscape LLC is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Paradise Lawn & Landscape LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2855850.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Paradise Lawn & Landscape LLC's New Entrant Registration had been revoked effective September 5, 2017, for failure to comply with safety requirements.

7. Pursuant to the above authority, on September 14, 2017, the Commission entered an Emergency Suspension of Operating Authority Order on Paradise Lawn & Landscape LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

## **III. STAFF'S RECOMMENDATION**

8. On January 9, 2018, 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 Paradise Lawn & Landscape 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. 2855850 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Paradise Lawn & Landscape LLC's motor carrier operating authority in Kansas.

#### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Paradise Lawn & Landscape LLC because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Paradise Lawn & Landscape LLC's operating authority in Kansas is reasonable.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

(A) Paradise Lawn & Landscape LLC's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

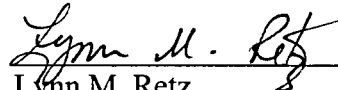
(B) Paradise Lawn & Landscape LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on September 14, 2017, and provide proof of attendance to Litigation Counsel.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 18 2018

  
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Lynn M. Retz  
Secretary to the Commission

AAL

Order Mailed Date

JAN 19 2018

## CERTIFICATE OF SERVICE

18-TRAM-116-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on JAN 18 2018.

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/s/ DeeAnn Shupe  
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DeeAnn Shupe

Order Mailed Date

JAN 19 2018