

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

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

In the Matter of the Emergency Suspension of)
Operating Authority of **Angels Auto Sales, LLC**)
of Great Bend, Kansas, for Failure to Comply) Docket No. 16-TRAM-370-OOS
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. Angels Auto Sales, 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. Angels Auto Sales, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2555859.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Angels Auto Sales, LLC's New Entrant Registration had been revoked effective February 8, 2016, for failure to comply with safety requirements.

7. Pursuant to the above authority, on February 23, 2016, the Commission entered an Emergency Suspension of Operating Authority Order on Angels Auto Sales, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On May 1, 2017, 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 Angels 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. 2555859 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 Angels Auto Sales, LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Angels Auto Sales, 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 Angels Auto Sales, LLC's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Angels Auto Sales, 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) Angels Auto Sales, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on February 23, 2016.

(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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAY 04 2017



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

MAY 05 2017



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

MIGUEL MATA-GAMEZ
OWNER
ANGELS AUTO SALES LLC
1301 10TH ST
GREAT BEND, KS 67530

1200 New Jersey Ave., S.E.
Washington, DC 20590
May 1, 2017

In reply refer to:
USDOT Number: 2555859

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since ANGELS AUTO SALES LLC's USDOT New Entrant registration was revoked on February 8, 2016, based on a failed safety audit conducted on December 1, 2015. Our records also indicate that ANGELS AUTO SALES LLC has reapplied in accordance with 49 CFR section 385.329. ANGELS AUTO SALES LLC's reapplication for USDOT New Entrant registration has been approved.

ANGELS AUTO SALES LLC's 18-month new entrant safety monitoring period restarts as of May 1, 2017. FMCSA will continue to monitor and evaluate ANGELS AUTO SALES LLC's safety management practices and on-road performance to ensure ANGELS 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 ANGELS AUTO SALES LLC's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of
Enforcement and Compliance

CERTIFICATE OF SERVICE

16-TRAM-370-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 **MAY 04 2017**.

MIGUEL MATA-GAMEZ, MANAGING MEMBER
ANGELS AUTO SALES, LLC
1301 10TH ST
GREAT BEND, KS 67530

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

MAY 05 2017