

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

In the Matter of the Investigation of **Dave's** )  
**Recycling, Inc., of Plainville, Kansas**, Regarding )  
the Violation of the Motor Carrier Safety Statutes, ) Docket No. 17-TRAM-500-PEN  
Rules and Regulations and the Commission's )  
Authority to Impose Penalties, Sanctions and/or )  
the Revocation of Motor Carrier Authority. )

**MOTION TO REINSTATE INTRASTATE MOTOR CARRIER OPERATIONS**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, files its motion requesting the Commission reinstate the Kansas motor carrier operations of Dave's Recycling, Inc. of Plainville, Kansas (Respondent). In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 1433867.
3. On July 25, 2017, the Commission issued an Order suspending Respondent's intrastate motor carrier operations other than such motor carrier operations expected from the Commission's regulation under K.S.A. 2016 Supp. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on May 23, 2017. The Penalty Order also assessed Respondent a \$3,850 civil fine.
4. On July 18, 2017, the Federal Motor Carrier Association (FMCSA) placed Respondent out-of-service due to an unfit safety rating.

5. On August 8, 2017, Respondent submitted evidence to Staff of bringing its motor carrier operation into compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order. Respondent also paid the \$3850 penalty assessment. This carrier was left as out-of-service due to being out-of-service at the federal level.

6. The FMCSA reinstated Dave's Recycling, Inc.'s motor carrier operations on October 30, 2017.

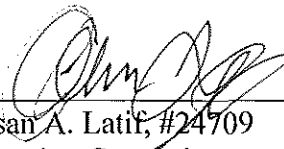
7. Therefore, Staff asks the Commission to find that Respondent has now complied with the state and federal requirements of a motor carrier.

8. Staff also asks the Commission to reinstate Respondent's Kansas motor carrier operations.

9. Furthermore, Staff asks the Commission to order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order, and to provide Litigation Counsel with written proof of attendance.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests that the Commission issue an order reinstating Respondent's Kansas motor carrier operations and ordering Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order and provide Litigation Counsel with written proof of attendance.

Respectfully submitted,



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Ahsan A. Latif, #24709

Litigation Counsel

Kansas Corporation Commission

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Topeka, Kansas 66604

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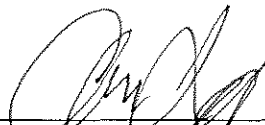
For Commission Staff

**VERIFICATION**

**17-TRAM-500-PEN**

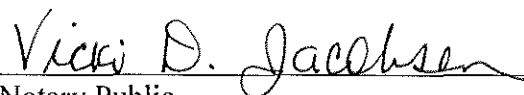
STATE OF KANSAS                     )  
                                                  ) ss.  
COUNTY OF SHAWNEE            )

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 Reinstate Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

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

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of November, 2017.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: June 30, 2018

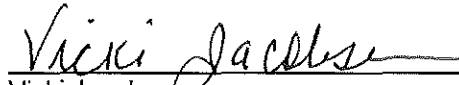
## CERTIFICATE OF SERVICE

17-TRAM-500-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Reinstate Intrastate Motor Carrier Operations was served via electronic service this 2nd day of November, 2017, to the following:

ERIC PFEIFER, PRESIDENT  
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davesrecycling@yahoo.com

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Vicki Jacobson