BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Investigation of F&C Trucking and)	
Sons LLC, of Lewis, Kansas, Regarding the)	
Violation(s) of the Motor Carrier Safety Statutes, Rules)	
and Regulations and the Commission's Authority to)	Docket No. 23-TRAM-1009-PEN
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 F&C Trucking and Sons LLC (Carrier). In support of its Motion, Staff states as follows:

- 1. On June 21, 2023, 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 2023. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.¹
- 2. On July 11, 2023, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2023 UCR fees.
- 3. Carrier contacted Staff after the issuance of the Penalty Order stating that Carrier is no longer operating and requested inactivation of its USDOT Number.
- 4. Staff inactivated the Carrier's USDOT Number. Additionally, after reviewing available records, Staff could not find evidence the carrier was found operating in interstate commerce. Staff therefore determined the Penalty Order issued for not paying their 2023 UCR fees should be vacated.

¹ Staff's R&R, p. 1 (Jun. 21, 2023).

5. Therefore, based on the facts stated above, Staff requests the Commission vacate the Penalty Order issued to Carrier on July 11, 2023.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission vacate the Penalty Order issued to F&C Trucking and Sons LLC in this docket on July 11, 2023.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

CERTIFICATE OF SERVICE

23-TRAM-1009-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on November 6, 2023.

Rhonda Clair, OWNER F&C Trucking and Sons LLC PO Box 188 Lewis, KS 67552 fandctruckingks@gmail.com AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 a.latif@kcc.ks.gov

/S/ Kiley McManaman

Kiley McManaman