



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. Lucky K, 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. Lucky K, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 3024599.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Lucky K, LLC's New Entrant Registration had been revoked effective November 24, 2017, for failure to comply with safety requirements.

7. Pursuant to the above authority, on November 30, 2017, the Commission entered an Emergency Suspension of Operating Authority Order on Lucky K, 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 Lucky K, 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. 3024599 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 Lucky K, LLC's motor carrier operating authority in Kansas.

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

10. The Commission finds it has jurisdiction over Lucky K, 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 Lucky K, LLC's operating authority in Kansas is reasonable.

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

(A) Lucky K, 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.

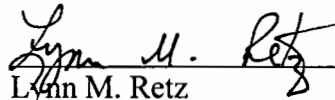
(B) Lucky K, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on November 30, 2017, and provide proof of attendance to Litigation Counsel.

(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

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Order Mailed Date

JAN 19 2018

**CERTIFICATE OF SERVICE**

18-TRAM-219-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  
\_\_\_\_\_  
DeeAnn Shupe

Order Mailed Date

JAN 19 2018