

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

In the Matter of the Investigation of **Benjamin Arteaga**)
d/b/a Ben Cash, of Liberal, Kansas, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes, Rules)
and Regulations and the Commission's Authority to) Docket No. 24-TRAM-039-PEN
Impose Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

STAFF'S MOTION TO LIFT SUSPENSION AND 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 Benjamin Arteaga d/b/a Ben Cash (Carrier). In support of its Motion, Staff states as follows:

1. On July 13, 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 25, 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. On October 23, 2023, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to pay the \$300 civil penalty and the 2023 UCR fees.

4. On October 26, 2023, the Commission issued an Order Suspending Motor Carrier Operations (Suspension Order) of Carrier.

5. Carrier contacted Staff after issuance of the orders and stated it never operated under USDOT 3866366 and requested inactivation of the USDOT.

¹ Staff's R&R, p. 1 (July 13, 2023).

6. Staff, after discussing with the Carrier, confirmed it had never operated under this USDOT and determined the Penalty Order issued for not paying their 2023 UCR fees should be vacated and Carrier's suspension should be lifted.

7. Therefore, based on the facts stated above, Staff requests the Commission lift the Carrier's suspension and vacate the Penalty Order issued to Carrier on July 25, 2023.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission lift the Carrier's suspension and vacate the Penalty Order issued to Benjamin Arteaga d/b/a Ben Cash in this docket on July 25, 2023.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

CERTIFICATE OF SERVICE

24-TRAM-039-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 20, 2023.

Benjamin Arteaga, OWNER
Benjamin Arteaga
D/B/A Ben Cash
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/S/ Kiley McManaman
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