

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

In the Matter of the Investigation of Seven)
Son's Trucking, LLC of Gardner, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-097-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION FOR ORDER AMENDING PENALTY ASSESSMENT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Order Amending Penalty Assessment reducing the penalty assessed to Seven Son's Trucking, LLC (Seven Son's Trucking), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated September 9, 2017. In support of its Motion, Staff states as follows:

1. On September 9, 2017, a Penalty Order was issued to Seven Son's Trucking assessing it a penalty of \$2,350 for four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted on August 3, 2017, by Special Investigator Jared Smith.

1. The Notice of Penalty Assessment advised Seven Son's Trucking it was a New Entrant carrier and may be eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

2. On October 31, 2017, Seven Son's Trucking submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Seven Son's Trucking a 50% reduced penalty of \$1,175 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated September 9, 2017, Seven Son's Trucking shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order, Seven Son's Trucking must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Order Amending Penalty Assessment, Seven Son's Trucking must make the payment of \$1175 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

WHEREFORE, for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Seven Son's Trucking, LLC a reduced penalty of \$1,175 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,



Ahsan A. Latif, S. Ct. #24709
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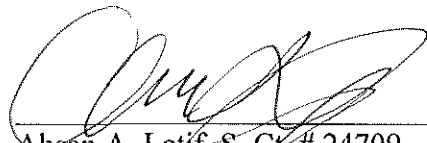
Attorney for Commission Staff

VERIFICATION

18-TRAM-097-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 for Order Amending Penalty Assessment*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



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

SUBSCRIBED AND SWORN to before me this 2nd day of November, 2017.





Notary Public

My Appointment Expires: June 30, 2018

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emier, Commissioner

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT
18-TRAM-097-PEN

Seven Son's Trucking, LLC (Seven Son's Trucking) hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated August 31, 2017. Seven Son's Trucking has agreed to comply with the following terms and obligations:

1. Seven Son's Trucking has submitted, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Seven Son's Trucking has, within 30 days from the date of the Penalty Order dated August 31, 2017, submitted to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. Seven Son's Trucking has sent an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance has been submitted to Litigation Counsel.
4. Seven Son's Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Seven Son's Trucking, LLC understands that Transportation Litigation Counsel will file a Motion for Order Amending Penalty Assessment with this Agreement attached to the motion. The Order Amending Penalty Assessment will assess Seven Son's Trucking a fifty-percent (50%) reduced penalty of \$1,175, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Seven Son's Trucking will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 31 day of October, 2017.

Seven Son's Trucking, LLC

Mitchell Cunningham
Manager

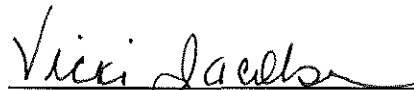
CERTIFICATE OF SERVICE

18-TRAM-097-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was served via electronic service this 2nd day of November, 2017, to the following:

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Vicki Jacobsen