

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

In the Matter of the Investigation of **Anthony**)
D. Stover, d/b/a Kansas River)
Transportation of Oskaloosa, Kansas,)
Regarding the Violation of the Motor Carrier) Docket No. 17-TRAM-549-PEN
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION TO AMEND PENALTY ORDER

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 Amended Penalty Order reducing the penalty assessed to Anthony D. Stover, d/b/a Kansas River Transportation (Kansas River Transportation), by fifty-percent (50%) less than the penalty assessed in the Penalty Order dated June 27, 2017. In support of this Motion, Staff states as follows:

1. On June 27, 2017, a Penalty Order was issued to Kansas River Transportation assessing it a penalty of \$1,150 for three (3) 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 by Special Investigator(s) Verna Jackson on June 5, 2017.

2. The Notice of Penalty Assessment attached to the Penalty Order advised Kansas River Transportation it was a New Entrant carrier and was 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.

3. On July 2, 2017, Kansas River Transportation 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.

4. Staff recommends the Commission issue an Amended Penalty Order assessing Kansas River Transportation a reduced penalty of \$575 (50% less than originally assessed) and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated June 27, 2017
Kansas River Transportation 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 dated June 27, 2017, Kansas River Transportation 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 Amended Penalty Order, Kansas River Transportation must make the payment of \$575 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Anthony D. Stover, d/b/a Kansas River Transportation a reduced penalty of \$575 and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Latif', written over a horizontal line.

Ahsan A. Latif, S. Ct. #24709

Litigation Counsel

Kansas Corporation Commission

1500 S.W. Arrowhead Road

Topeka, Kansas 66604-4027

Phone: 785-271-3118

Fax: 785-271-3167

Email: a.latif@kcc.ks.gov


Attorney for Commission Staff

VERIFICATION

17-TRAM-549-PEN

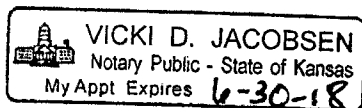
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

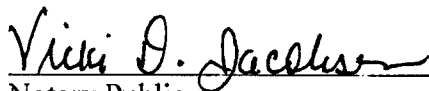
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Amend Penalty Order*, and attests that the statements therein are 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 27th day of July, 2017.





Notary Public

My Appointment Expires: June 30, 2018

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

17-TRAM-549-PEN

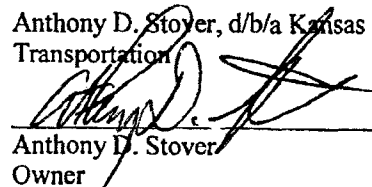
Anthony D. Stover, d/b/a Kansas River Transportation hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 27, 2017. Kansas River Transportation has agreed to comply with the following terms and obligations:

1. Kansas River Transportation has submitted, within fifteen (15) days from the date of the Penalty Order issued on June 27, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Kansas River Transportation will, within 30 days from the date of the Penalty Order dated June 27, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff before my company can be eligible for the 50% reduced penalty.
3. Kansas River Transportation will, within thirty (30) days from the date of the Penalty Order dated June 27, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Kansas River Transportation 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.

Anthony D. Stover, d/b/a Kansas River Transportation understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with this Agreement attached to the motion. The Amended Penalty Order will assess Kansas River Transportation a fifty-percent (50%) reduced penalty of \$575, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Kansas River Transportation will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 2 day of July, 2017.

Anthony D. Stover, d/b/a Kansas River
Transportation


Anthony D. Stover
Owner

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

17-TRAM-549-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penaly Order was placed in the United States mail, postage prepaid, or hand-delivered this 27th day of July, 2017, to the following

ANTHONY D. STOVER, OWNER
ANTHONY D. STOVER
D/B/A KANSAS RIVER TRANSPORTATION
405 TURKEYRUN CIR
OSKALOOSA, KS 66066
Fax. 785-863-9299
kansasriver transportation@yahoo com

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Vicki Jacobsen