

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the General Investigation of **Central**)
Interstate Transport of Willis, Texas, Pursuant to the)
Kansas Highway Patrol Issuance of a Notice of)
Violation(s) and Invoice for the Violations of the Kansas) Docket No. 25-GIMM-199-KHP
Motor Carrier Safety Statutes, Rules and Regulations.)

ORDER GRANTING STAFF'S MOTION TO DISMISS REQUEST FOR HEARING

This matter comes before the State Corporation Commission of the State of Kansas (Commission) on Staff's Motion to Dismiss Celo Transport LLC's (Celo Transport) Request for Hearing. Having examined its files and records and being fully advised on the premises, the Commission finds and concludes as follows:

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, 66-1,114b, and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 66-1,142b, the Commission is granted "the power, by general order or otherwise, to prescribe reasonable rules and regulations for the assessment of administrative civil penalties and sanctions for violations of any statute, commission orders or rules and regulations adopted by the commission."

3. Central Interstate Transport LLC (CIT or Carrier) is registered as a motor carrier with the U.S. Department of Transportation (USDOT), and operates under USDOT Number 2572402.

4. On July 22, 2024, the Kansas Highway Patrol (KHP) issued a Notice of Violation(s) to CIT, for alleged violations found during a July 17, 2024, routine motor carrier stop and inspection conducted by the KHP. CIT was assessed \$1,050.00 in civil fines, comprised of the following violations: a \$150.00 fine for “Leaking/spilling/blowing/falling cargo,” citing 49 C.F.R. 393.100, a \$150.00 fine for “Inoperative turn signal,” citing 49 C.F.R. 393.9, a \$250.00 fine for “Prohibited from performing safety sensitive functions per 382.401(a) Drug and Alcohol Clearinghouse,” citing 49 C.F.R. 390.3, and a \$500.00 fine for “False report of drivers record of duty status,” citing 49 C.F.R. 395.8.

5. The Notice of Violation(s) stated: “You have thirty (30) days from the date of this letter to pay the fine amount as indicated on the enclosed invoice or thirty (30) days from the date of this letter to submit a review...” Thirty days from the date of the invoice was August 21, 2024.

6. On October 20, 2024, CIT submitted a formal challenge to the KHP.

7. On October 24, 2024, the KHP denied CIT’s challenge and advised CIT of its right to an administrative hearing before the Commission. The KHP’s denial stated: “Your request for an internal review has been denied due to not requesting the internal review within the 30 days stated on the invoice.”

8. On October 24, 2024, the Kansas Corporation Commission received CIT’s request for hearing before the Commission.

9. On November 5, 2024, Staff moved to affirm the KHP's denial of CIT's challenge and dismiss the Carrier's request for a hearing based on the fact the Carrier did not timely submit a challenge to the KHP.

10. CIT did not file a response to Staff's motion.

11. The Commission finds it has jurisdiction over CIT pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

12. The Commission finds that CIT's challenge was required to be filed within thirty days, on or before August 21, 2024. Instead CIT's challenge was submitted after ninety days, on October 20, 2024. The challenge was submitted sixty days past the required deadline. Therefore CIT failed to timely challenge the violations.

13. The Commission concludes that CIT's Request for Hearing should be dismissed and CIT should be ordered to pay the \$1,050 civil fine.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Staff's Motion to Dismiss Request for Hearing is hereby granted and Central Interstate Transport is ordered to pay the fine of \$1,050.

B. Payment of the \$1,050 civil fine is due in thirty (30) days from the date of service of this Order. Failure of Central Interstate Transport to pay will result in suspension of Central Interstate Transport's intrastate motor carrier operating authority in Kansas without further notice.¹ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

¹ K.S.A. 66-1,105.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/19/2024



Lynn M. Retz
Executive Director

AAL

² K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 11/19/2024.

Andrew Ausmus, OWNER
Central Interstate Transport LLC
9527 County Line Rd
Willis, TX 77378
centralinterstatetrans@gmail.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

/S/ KCC Docket Room
KCC Docket Room