

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

In the Matter of the Investigation of **Eskridge** )  
**Lumber, LLC of Eskridge, Kansas,** )  
Regarding the Violation of the Motor Carrier )  
Safety Statutes, Rules and Regulations and the ) Docket No. 17-TRAM-558-PEN  
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 Eskridge Lumber, LLC (Eskridge Lumber), by fifty-percent (50%) 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 Eskridge Lumber assessing it a penalty of \$250 for one (1) 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) Jared Smith on June 12, 2017.

1. The Notice of Penalty Assessment advised Eskridge Lumber 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.

2. On July 5, 2017, Eskridge Lumber submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by

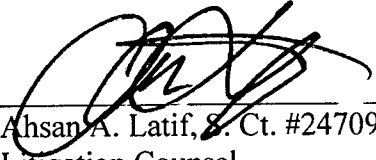
Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing Eskridge Lumber a reduced penalty of \$125 (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  
Eskridge Lumber 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,  
Eskridge Lumber 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,  
Eskridge Lumber must make the payment of \$125 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 Eskridge Lumber, L.L.C a reduced penalty of \$125 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 be '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

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 Emmer, Commissioner

Sam Brownback, Governor

## REDUCED PENALTY AGREEMENT

### 17-TRAM-558-PEN

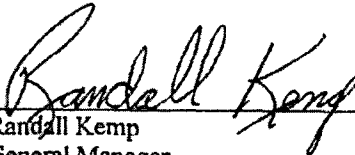
Eskridge Lumber, LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 27, 2017. Eskridge Lumber has agreed to comply with the following terms and obligations:

1. Eskridge Lumber 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. Eskridge Lumber 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. Eskridge Lumber 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. Eskridge Lumber 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.

Eskridge Lumber, LLC 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 Eskridge Lumber a fifty-percent (50%) reduced penalty of \$125, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Eskridge Lumber will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 5<sup>th</sup> day of July, 2017.

Eskridge Lumber, LLC

  
Randall Kemp  
General Manager

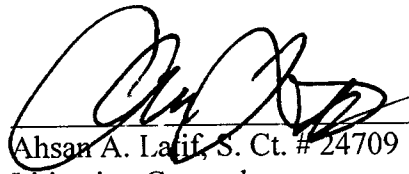
(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

**VERIFICATION**

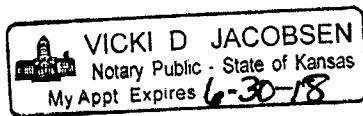
**17-TRAM-558-PEN**

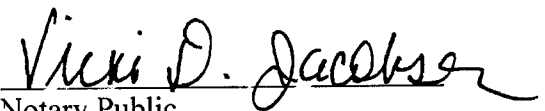
STATE OF KANSAS            )  
                                      ) ss.  
COUNTY OF SHAWNEE        )

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 7<sup>th</sup> day of July, 2017.



  
Notary Public

My Appointment Expires: June 30, 2018

**CERTIFICATE OF SERVICE**

17-TRAM-558-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was placed in the United States mail, postage prepaid, or hand-delivered this 7<sup>th</sup> day of July, 2017, to the following

RANDALL KEMP, GENERAL MANAGER  
ESKRIDGE LUMBER, LLC  
104 E 1ST AVE  
ESKRIDGE, KS 66423-9750  
Fax 785-449-2212  
eskridgelumberllc@gmail.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

  
\_\_\_\_\_  
Vicki Jacobsen