

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Investigation of **SAVE THE**)
BEE'S RESCUE COMPANY, of SHAWNEE,)
Kansas, Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations and)
the Commission's Authority to Impose Penalties,) Docket No. 22-TRAM-014-PEN
Sanctions and/or the Revocation of Motor Carrier)
Authority.)
)

ORDER GRANTING STAFF'S MOTION TO VACATE PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112g, 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. 390.5 and 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. 66-1,129a, 66-1,130, and 66-1,142b, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in

regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

II. FINDINGS OF FACTS

3. SAVE THE BEE'S RESCUE COMPANY (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, which purported to operate commercial motor vehicles in interstate commerce under the USDOT Number 3459638.

4. On July 29, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2020 UCR fees.

5. Staff after being contacted by the Carrier and reviewing available records determined that Carrier is not required to have a USDOT number, therefore not required to pay UCR fees. Additionally, the Carrier has deactivated its USDOT Profile. Staff has determined the Penalty Order issued for not paying their 2020 UCR fees should be vacated.

6. On August 19, 2021, Transportation Staff filed its Motion to Vacate Penalty Order recommending the Commission vacate the Penalty Order.

III. CONCLUSIONS OF LAW

7. The Commission finds it has jurisdiction over SAVE THE BEE'S RESCUE COMPANY because Carrier is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

8. The Commission further finds that Carrier was not required to pay UCR fees because it is not required to have a USDOT Number. Additionally, the Carrier's USDOT Number has been deactivated.

9. Therefore the Commission concludes it is appropriate to vacate the Penalty Order issued July 29, 2021.

THE COMMISSION THEREFORE ORDERS THAT:

A. The Penalty Order issued to SAVE THE BEE'S RESCUE COMPANY on July 29, 2021 is hereby vacated.

B. 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).¹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/24/2021



Lynn M. Retz
Executive Director

AAL

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

22-TRAM-014-PEN

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 08/24/2021.

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

SAVE THE BEES RESCUE COMPANY
11515 W 55TH STREET
SHAWNEE, KS 66203

/S/ DeeAnn Shupe

DeeAnn Shupe