

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

In the Matter of the Investigation of **Aspen**)
Leaf Container and Transportation, LLC of)
Sharon Springs, Kansas, Regarding the)
Violation of the Motor Carrier Safety Statutes,) Docket No. 17-TRAM-423-PEN
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 Aspen Leaf Container and Transportation, LLC (Aspen Leaf Container), by fifty-percent (50%) less than the penalty assessed in the Penalty Order dated April 4, 2017. In support of this Motion, Staff states as follows:

1. On April 4, 2017, a Penalty Order was issued to Aspen Leaf Container assessing it a penalty of \$1,000 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) Penny Fryback on March 8, 2017.

1. The Notice of Penalty Assessment attached to the Penalty Order advised Aspen Leaf Container 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.

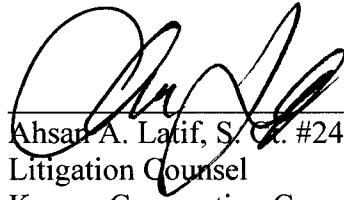
2. On April 13, 2017, Aspen Leaf Container submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing Aspen Leaf Container a reduced penalty of \$500 (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 April 4, 2017 Aspen Leaf Container shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the Transportation Division;
- b. within eighteen (18) months of the Penalty Order dated April 4, 2017, Aspen Leaf Container 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 Aspen Leaf Container must submit payment of \$500.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Aspen Leaf Container and Transportation, LLC a reduced penalty of \$500 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 'Ahsan A. Latif', is written over a horizontal line.

Ahsan A. Latif, S. Ct. #24709

Litigation Counsel

Kansas Corporation Commission

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Attorney for Commission Staff

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

Docket No. 17-TRAM-423-PEN

Aspen Leaf Container and Transportation, 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 April 4, 2017. Aspen Leaf Container has agreed to comply with the following terms and obligations:

1. Aspen Leaf Container has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Aspen Leaf Container will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. Aspen Leaf Container will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

Aspen Leaf Container and Transportation, LLC understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess Aspen Leaf Container a fifty-percent (50%) reduced penalty of \$500, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Aspen Leaf Container will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.


Dated this 13 day of April, 2017.

Kansas Corporation Commission

APR 19 2017

Office of Litigation Counsel

Aspen Leaf Container and Transportation, LLC


Delphine Hill
Member

VERIFICATION

17-TRAM-423-PEN

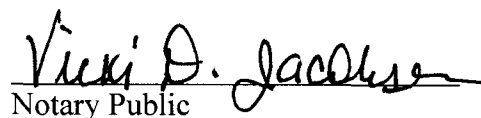
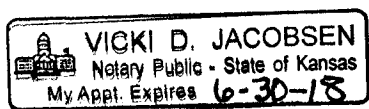
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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, B. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 10th day of May, 2017.


Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

17-TRAM-423-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was served via electronic service this 10th day of May, 2017, to the following:

DELPHINE HILL, MEMBER
ASPEN LEAF CONTAINER AND TRANSPORTATION, LLC
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plainsmountainss@gmail.com

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Vicki Jacobsen