

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

In the Matter of the Investigation of **Concrete**)
Service Co., Inc. of Great Bend, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 19-TRAM-075-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION FOR ORDER AMENDING PENALTY ASSESSMENT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, Ahsan A. Latif, files this Motion requesting the Commission issue an Order Amending Penalty Assessment reducing the penalty assessed to Concrete Service Co., Inc. (Concrete Service), in the Penalty Order dated August 28, 2018. In support of its Motion, Staff states as follows:

1. On August 28, 2018, a Penalty Order was issued to Concrete Service assessing it an enhanced penalty of \$2,000 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 violation was found during a Safety Compliance Review conducted on July 6, 2018, by Special Investigator Jared Smith.

1. Transportation Staff and a representative from Concrete Services had a discussion in the beginning of September 2018, regarding the enhanced penalty amount and Staff determined from information provided by the carrier that the violation was not intentional and the penalty amount should not be enhanced.

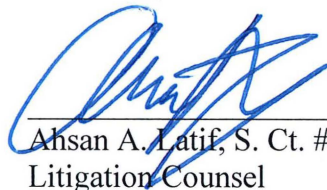
2. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Concrete Service a reduced penalty of \$1,000.

3. Concrete Services is planning to attend a Safety Education Seminar in Hutchinson on November 5, 2018. It has submitted a Corrective Action Plan which has been approved by Transportation Staff. The carrier will make itself available after 18 months for another compliance review.

4. Staff recommends that the Commission find that Concrete Services has satisfied the requirements of the Penalty Order and that based upon the discovery of further information, the enhanced fine should be reduced from \$2,000 to \$1,000.

WHEREFORE, for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Concrete Service Co., Inc. a reduced penalty of \$1,000.

Respectfully submitted,



Ahsan A. Latif, S. Ct. #24709
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Attorney for Commission Staff

VERIFICATION

19-TRAM-075-PEN

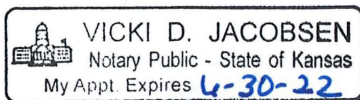
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

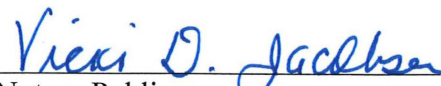
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion for Order Amending Penalty Assessment*, and attests that the statements 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 31st day of October, 2018.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

19-TRAM-075-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was served via electronic service this 31st day of October, 2018, to the following:

ROY WESTHOFF, PRESIDENT
CONCRETE SERVICE CO., INC.
PO BOX 1205
GREAT BEND, KS 67530
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Vicki Jacobsen