

1. Respondent is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108, that operates commercial motor vehicle(s) in interstate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2355257.
3. On November 20, 2014, Respondent was issued a penalty assessment for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on May 7, 2014, by Kansas Corporation Commission Special Investigator Verna Jackson.
4. The Penalty Order was mailed to Respondent via certified mail, return receipt requested, on November 21, 2014. The return receipt was not received by the Commission.

However, the mailed Penalty Order was also not returned to the Commission, which indicates the Order was received by Respondent.

5. As of January 21, 2015, Commission records indicate Respondent has not complied with requirements of the Penalty Order in that Respondent had thirty (30) days from service to pay the fine amount of \$300, and Transportation Division records indicate the fine is unpaid. Further, Respondent was mailed a letter dated January 5, 2015, notifying him of his unpaid fine and lack of compliance with the above-referenced Penalty Order.

6. Staff asks that the Commission find Respondent received sufficient notice of the Penalty Order, and requisite opportunity to pay the penalty assessment.

7. Staff asks that the Commission find Respondent failed to act upon the Commission's Order.

8. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

9. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent pays the penalty amount of \$300, and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

10. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations and ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

Respectfully submitted,




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For Commission Staff

VERIFICATION

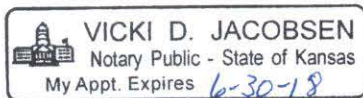
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Michael J. Duenes, 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 Suspend Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Michael J. Duenes, S.Ct. #26431
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 21st day of January, 2015.





Notary Public

My appointment expires: June 30, 2018

CERTIFICATE OF SERVICE

15-TRAM-201-PEN

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 21st day of January, 2015, to the following:

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Vicki Jacobsen