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

In the Matter of the Investigation of **Cauthemoc S.**) Ortiz, d/b/a Ortiz Trucking, of Garden City,) Kansas, Regarding the Violation of the Motor) Carrier Safety Statutes, Rules and Regulations and) the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier) Authority.

Docket No. 13-TRAM-034-PEN

MOTION TO REINSTATE INTRASTATE MOTOR CARRIER OPERATIONS

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The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, files its motion requesting the Commission reinstate the Kansas motor carrier operations of Cauthemoc S. Ortiz, d/b/a Ortiz Trucking of Garden City, Kansas (Respondent). In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.

2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2112768.

3. On September 14, 2017, the Commission issued an Order suspending Respondent's intrastate motor carrier operations other than such motor carrier operations expected from the Commission's regulation under K.S.A. 2017 Supp. 66-1,129, due to noncompliance with a Penalty Order issued in this docket on July 30, 2012. The Penalty Order also assessed Respondent a \$3,000 civil fine.

4. On March 9, 2018, Respondent submitted evidence to Staff of bringing its motor carrier operation into compliance with Kansas motor carrier safety statutes, rules and regulations

pursuant to the above-referenced Penalty Order. Respondent also paid the \$3,000 penalty assessment.

5. Therefore, Staff asks the Commission to find that Respondent has now complied with the requirements of the above-referenced Penalty Order.

6. Staff also asks the Commission to reinstate Respondent's Kansas motor carrier operations.

7. Furthermore, Staff asks the Commission to order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order, and to provide Litigation Counsel with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order reinstating Respondent's Kansas motor carrier operations and ordering Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order and provide Litigation Counsel with written proof of attendance.

Respectfully submitted,

Absan A. Latif, #24709

Litigation Counsel Kansas Corporation Commission 1500 SW Arrowhead Road Topeka, Kansas 66604 (785) 271-3118 (Telephone) (785) 271-3124 (Facsimile) <u>a.latif@kcc.ks.gov</u> (E-mail) For Commission Staff

VERIFICATION

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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 Reinstate Intrastate Motor Carrier Operations, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

Ct. # 24709 hsan A. Latif, S

Litigation Counsel The State Corporation Commission of the State of Kansas

SUBSCRIBED AND SWORN to before me this 23° day of July, 2018.

Notary Public - State of Kansas My Appt. Expires

Vicki D. Jacobso Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

13-TRAM-034-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Reinstate Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 23rd day of July, 2018, to the following:

CUAHTHEMOC S. ORTIZ, OWNER CUAHTHEMOC S. ORTIZ D/B/A Ortiz Trucking 934 AMY ST GARDEN CITY, KS 67846 patriots_patriots@yahoo.com AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 a.latif@kcc.ks.gov

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Vicki Jacobsen