

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Investigation of **Aces**)
Transport LLC of Hugoton, Kansas,)
Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and) Docket No. 23-TRAM-1057-PEN
Regulations and the Commission's)
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier
Authority.

**ORDER GRANTING STAFF'S MOTION TO LIFT SUSPENSION AND 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. 66-1,111, 66-1,112, and 66-1,114b, 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. Aces Transport LLC (Carrier) is a motor carrier as defined by 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 3659457.

4. On June 27, 2023, Commission Staff UCR Manager Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for 2023. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.¹

5. On July 13, 2023, the Commission issued a Penalty assessing a \$300 civil penalty against Carrier for one (1) violation of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.²

6. On November 8, 2023, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to pay the \$300 civil penalty and the 2023 UCR fees.

7. On November 16, 2023, the Commission issued an Order Suspending Motor Carrier Operations of Carrier.

8. Carrier contacted UCR Manager Verna Jackson after the issuance of the Suspension Order stating that he is no longer operating as of late December 2022.

9. On November 20, 2023, Transportation Staff filed its Motion to Lift Suspension and Vacate Penalty Order recommending the Commission both lift the suspension on Carrier's motor carrier operations and vacate the Penalty Order.

¹ Staff's R&R, p. 1 (June 27, 2023).

² Penalty Order (July 13, 2023).

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Aces Transport LLC 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.

11. The Commission further finds that Carrier has not operated since late December 2022.

12. Therefore the Commission concludes it is appropriate to lift the suspension on Carrier's motor carrier operations and vacate the Penalty Order issued July 13, 2023.

THE COMMISSION THEREFORE ORDERS THAT:

A. The suspension ordered in the Commission's November 16, 2023 Order on Aces Transport LLC is hereby lifted.

B. The Penalty Order issued to Aces Transport LLC on July 13, 2023, is hereby vacated.

C. 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).³

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Keuther, Commissioner

Dated: 11/28/2023



Lynn M. Retz
Executive Director

AAL

³ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

23-TRAM-1057-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/28/2023.

Luis Cruz, MEMBER
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/S/ KCC Docket Room
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