

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

January 24, 2017

17-TRAM-273-PEN

Desarae Waggoner  
Safety Compliance & Fleet Manager  
Beran Excavating, LLC  
8401 E Oak Knoll Street  
Wichita, Kansas 67207

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on December 30, 2016, by Kansas Corporation Commission Special Investigator Verna Jackson. For a full description of the penalty and process please refer to the Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

You have been assessed a \$250 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

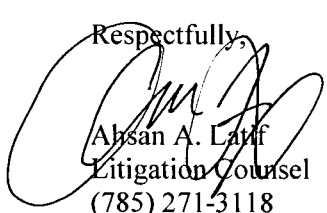
You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY:** You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

### IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Investigation of **Beran** )  
**Excavating, LLC, of Wichita, Kansas,** )  
Regarding the Violation of the Motor Carrier )  
Safety Statutes, Rules and Regulations and the ) Docket No. 17-TRAM-273-PEN  
Commission's Authority to Impose Penalties, )  
Sanctions and/or the Revocation of Motor )  
Carrier Authority. )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 Supp. 66-1,108, 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. 2015 Supp. 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.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

## **II. BACKGROUND**

4. Beran Excavating, LLC (Beran Excavating) obtained common operating authority from the Commission on January 27, 2009, and operates under KSMCID number 166918 and USDOT number 1843087.

5. Mike Harp attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on December 8, 2008, on behalf of Beran Excavating.

6. Beran Excavating is a common motor carrier which primarily hauls building materials, machinery, large objects and construction.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on December 30, 2016, Commission Staff (Staff) Special Investigator Verna Jackson conducted a compliance review of the operations of Beran Excavating. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Ms. Jackson identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On July 6, 2016, Beran Excavating required or permitted its driver, Raul Jimenez, to operate a CDL-required commercial motor vehicle, a 2006 Peterbilt, VIN ending in 657698, GVWR 52,000 lbs., in intrastate commerce from Wichita, Kansas to Winfield, Kansas. This trip is evidenced by Mr. Jimenez' Timecard List for July 2016, a copy of which

is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Beran Excavating failed to require its driver to make a proper record of duty status for those days the driver exceeded the 12 hour limit of the short haul exemption. The special investigator found three (3) violations of this type. Beran Excavating’s failure to require its drivers to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in 49 C.F.R. 395.8(a), and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

#### **IV. STAFF’S RECOMMENDATIONS**

8. Based upon the available facts, Staff recommends the Commission find Beran Excavating committed one (1) violation 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, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$250 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Beran Excavating be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with

written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Beran Excavating submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over Beran Excavating because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Beran Excavating committed one (1) violation 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, and is therefore subject to sanctions or fines imposed by the Commission.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Beran Excavating, LLC, of Wichita, Kansas is hereby assessed a \$250 civil penalty 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.

B. Beran Excavating is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Beran Excavating is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. **Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the**

specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Beran Excavating's right to a hearing, and this Penalty Order will become a Final Order assessing a \$250 civil penalty against Beran Excavating, and ordering Beran Excavating to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*


F. Failure to pay the \$250 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Beran Excavating's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 24 2017


  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date  
JAN 25 2017

## **ATTACHMENT “A”**



|  |                            |   |   |                               |
|--|----------------------------|---|---|-------------------------------|
|                                   | <b>US DOT #</b><br>1843087 | <b>Legal:</b> BERAN EXCAVATING LLC<br><b>Operating (DBA):</b> |   |                               |
| <b>MC/MX #:</b> 667773   |                            | <b>State #:</b> [REDACTED]                                    | <b>Federal Tax ID:</b> [REDACTED] (EIN) |                               |
| <b>Review Type:</b> Non-ratable Review - CSA   |                            |   |   |                               |
| <b>Scope:</b> Principal Office   |                            | <b>Location of Review/Audit:</b> CSA Off-site                 |   | <b>Territory:</b>             |
| <b>Operation Types</b>   |                            |   |   |                               |
| <b>Interstate</b>  |                            | <b>Intrastate</b>   |   |                               |
| <b>Carrier:</b> HM   | HM                         | <b>Business:</b> Other  |   |                               |
| <b>Shipper:</b> N/A  | N/A                        | <b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2015  |   |                               |
| <b>Cargo Tank:</b> N/A   |                            |   |   |                               |
| <b>Company Physical Address:</b><br>[REDACTED]   |                            |   |   |                               |
| <b>Contact Name:</b> Desarae Waggoner<br><b>Phone numbers: (1)</b> [REDACTED]<br><b>E-Mail Address:</b> [REDACTED] |                            |   |   |                               |
| <b>Company Mailing Address:</b><br>8401 E OAK KNOLL ST<br>WICHITA, KS 67207-5439                                   |                            |   |   |                               |
| <b>Carrier Classification</b><br>Authorized for Hire Private Property  |                            |   |   |                               |
| <b>Cargo Classification</b><br>Building Materials Machinery, Large Objects Construction                            |                            |   |   |                               |
| <b>Hazardous Materials</b><br>9 Miscellaneous HM Carried Non-Bulk  |                            |   |   |                               |
| <b>Equipment</b>   |                            |   |   |                               |
|  | Owned                      | Term Leased   | Trip Leased                             |                               |
| Truck  | 2                          | 0   | 0                                       | Truck Tractor                 |
| Trailer  | 9                          | 0   | 0                                       | Owned Term Leased Trip Leased |
|  |                            |   |   | 11 0 0                        |
| Power units used in the U.S.: 13<br>Percentage of time used in the U.S.: 100                                       |                            |   |   |                               |
| <b>Does carrier transport placardable quantities of HM?</b> No   |                            |   |   |                               |
| <b>Is an HM Permit required?</b> N/A   |                            |   |   |                               |
| <b>Driver Information</b>  |                            |   |   |                               |
|  | Inter                      | Intra   |   |                               |
| < 100 Miles:   | 1                          |   | Average trip leased drivers/month: 0    |                               |
| >= 100 Miles:  | 10                         |   | Total Drivers: 11                       |                               |
|  |                            |   | CDL Drivers: 10                         |                               |





**BERAN EXCAVATING LLC**

U.S. DOT #: 1843087

State #: [REDACTED]

Review Date:

12/30/2016

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead  
Topeka, Kansas 66604  
Telephone 785-271-3104

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Desarae Waggoner

**Title:** Safety Compliance & Fleet Mgmt

**Name:**

**Title:**



**BERAN EXCAVATING LLC**

U.S. DOT #: 1843087

State #: [REDACTED]

Review Date:

12/30/2016

**Part B Violations**

|   |   |  |               |                                       |              |
|---|---|--|---------------|---------------------------------------|--------------|
| 1<br>STATE  | Primary: 395.8(a)<br>CFR Equivalent: 395.8(a) | Discovered<br>3  | Checked<br>90 | Drivers/Vehicles<br>In Violation<br>2 | Checked<br>3 |
| <b>Description</b><br>Failing to require driver to make a record of duty status.<br><b>Example</b><br>[REDACTED]<br>July 6 & 7, 2016<br>Beran Excavating LLC failed to require driver to make a record of duty status for those days the driver exceeded the 12 hour limit of the short haul exemption.<br>[REDACTED]<br>June 7, 2016 |   |  |               |                                       |              |
| <b>Safety Fitness Rating Information:</b><br>Total Miles Operated 195,000<br>Recordable Accidents 0   |   | OOS Vehicle (CR): 0<br>Number of Vehicle Inspected (CR): 0<br>OOS Vehicle (MCMIS): 0<br>Number of Vehicles Inspected (MCMIS): 12 |               |                                       |              |

Your proposed safety rating is :

**This Review is not Rated.**



**BERAN EXCAVATING LLC**

U.S. DOT #: 1843087

State #: [REDACTED]

Review Date:

12/30/2016

## Safety Management Process Breakdowns and Remedies

1. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

2. This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.

### 3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** Beran Excavating LLC did not have a policy in place requiring drivers to make a record of duty status (log book sheet) when operating outside of the short haul exemption. Drivers are required to make a record on the log book sheet when operating a CDL vehicle longer than a 12 hour day or outside of a 100 air mile radius. The driver has to meet all the criteria of the short haul exemption in order to utilize the exemption.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices:** The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.





**BERAN EXCAVATING LLC**

U.S. DOT #: 1843087

State #: [REDACTED]

Review Date:

12/30/2016

### Safety Management Process Breakdowns and Remedies

- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.
- 4. If you want drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Time records should indicate beginning time, ending time, AND total hours for the day. Logs must be prepared if a driver exceeds the 12 hour requirement.
- 5. For all Investigations:
  - **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
  - **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
  - **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
  - **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies





BERAN EXCAVATING LLC

U.S. DOT #: 1843087

State #: [REDACTED]

Review Date:

12/30/2016

### Safety Management Process Breakdowns and Remedies

and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission  
Attn: Gary Davenport  
1500 SW Arrowhead Rd  
Topeka, KS 66604-4027

6. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Beran Excavating LLC's operating authority and/or the impoundment of Beran Excavating LLC's vehicles.

\_\_\_\_\_  
Carrier Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name and Title

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.



## **ATTACHMENT “B”**

## Timecard List

7/1/2016 to 7/31/2016

| X-Ref<br>Number   | Date      | Job No          | Job Description              | Cost Code | Type                  | Hours or<br>Amount | Pay Rate | Trade       | Union | Tax Group | Dept  | Equipment | T      | Time<br>Card | Shift |
|-------------------|-----------|-----------------|------------------------------|-----------|-----------------------|--------------------|----------|-------------|-------|-----------|-------|-----------|--------|--------------|-------|
| Employee: JIME RA |           | JIME RA         | Payment Group: 1             |           |                       |                    |          |             |       |           |       |           |        |              |       |
|                   |           |                 |                              |           | OT                    | 64.5000            |          |             |       |           |       |           |        |              |       |
|                   |           |                 |                              |           | Employee Totals: HOLI | 8.0000             |          |             |       |           |       |           |        |              |       |
|                   |           |                 |                              |           | REG                   | 160.0000           |          |             |       |           |       |           |        |              |       |
|                   |           |                 |                              |           | REG                   | 160.0000           |          |             |       |           |       |           |        |              |       |
|                   |           |                 |                              |           | OT                    | 64.5000            |          |             |       |           |       |           |        |              |       |
|                   |           |                 |                              |           | Report Totals: HOLI   | 8.0000             |          |             |       |           |       |           |        |              |       |
| Employee: JIME RA |           | JIMENEZ, RAUL E | Payment Group: 1             |           |                       |                    |          |             |       |           |       |           |        |              |       |
| 3398              | 7/1/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | OT                    | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3398              | 7/1/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | OT                    | 1.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3398              | 7/1/2016  | 37 RUUD         | BC READY MIX PLANT           | 130       | OT                    | 3.7500             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3398              | 7/1/2016  | 15094 SCHO      | 15094 SCHOLFIELD HONDA - 120 |           | OT                    | 4.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3398              | 7/1/2016  | 37 RUUD         | BC READY MIX PLANT           | 120       | OT                    | 0.7500             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/4/2016  | HOLIDAY         | HOLIDAY-PD                   | 1         | HOLI                  | 8.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/5/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/5/2016  | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 6.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/5/2016  | 120 KENN        | 120 N KENNEDY                | 120       | REG                   | 4.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/6/2016  | 16050           | 16050 - FLUID KINETICS - 2B  | 120       | REG                   | 10.5000            | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/6/2016  | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 1.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/6/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/7/2016  | 16050           | 16050 - FLUID KINETICS - 2B  | 120       | REG                   | 13.0000            | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/7/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/8/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | OT                    | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/8/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | OT                    | 3.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/8/2016  | 37 RUUD         | BC READY MIX PLANT           | 130       | OT                    | 4.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/8/2016  | SHOP            | 8401 E OAK KNOLL             | 1000      | OT                    | 1.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3411              | 7/8/2016  | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 2.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/11/2016 | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 1.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/11/2016 | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 1.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/11/2016 | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/11/2016 | 16072           | 40X80 GODDARD RANDY WC       | 110       | REG                   | 2.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/11/2016 | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 7.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/12/2016 | 37 RUUD         | BC READY MIX PLANT           | 1000      | REG                   | 0.7500             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/12/2016 | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 3.7500             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/12/2016 | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 7.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/12/2016 | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/13/2016 | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 8.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/13/2016 | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/13/2016 | 37 RUUD         | BC READY MIX PLANT           | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/13/2016 | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 2.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/14/2016 | 37 RUUD         | BC READY MIX PLANT           | 130       | REG                   | 4.0000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |
| 3425              | 7/14/2016 | SHOP            | 8401 E OAK KNOLL             | 1000      | REG                   | 0.5000             | 17.000   | TRUCK ***** |       | NO LOCAL  | EXCAV |           | U Week | 1            |       |



## CERTIFICATE OF SERVICE

17-TRAM-273-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on JAN 24 2017.

DESARAE WAGGONER, SAFETY COMPLIANCE & FLEET  
MANAGER  
BERAN EXCAVATING, LLC  
8401E OAK KNOLL ST  
WICHITA, KS 67207  
Fax: 316-618-6058  
dwaggoner@beranconcrete.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

Order Mailed Date  
JAN 25 2017