

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

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Emergency Suspension of)
Operating Authority of **Abraham Neufeld** of)
Copeland, Kansas, for Failure to Comply with)
New Entrant Safety Requirements as Required by)
the Motor Carrier Safety Statutes, Rules and)
Regulations.)

Docket No. 11-TRAM-330-OOS

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 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. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Abraham Neufeld is a motor carrier as defined in K.S.A. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Abraham Neufeld is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 1763791.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Abraham Neufeld's New Entrant Registration had been revoked effective September 15, 2010 for failure to comply with safety requirements.

7. Pursuant to the above authority, on October 27, 2010, the Commission entered an Emergency Suspension of Operating Authority Order on Abraham Neufeld in the above-referenced docket, until such time that Staff recommends reinstatement.

III. STAFF'S RECOMMENDATION

8. On April 5, 2012, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Abraham Neufeld has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329(b)(2). As a result, the

carrier's reapplication for New Entrant registration under USDOT No. 1763791 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Abraham Neufeld's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Abraham Neufeld because it is a motor carrier as defined in K.S.A. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Abraham Neufeld's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Abraham Neufeld's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

(B) Abraham Neufeld remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on October 27, 2010.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated: APR 13 2012



ORDER MAILED APR 13 2012

Patrice Petersen-Klein
Executive Director

AW



U.S. Department
of
Transportation

**Federal Motor
Carrier Safety
Administration**

ABRAHAM NEUFELD
OWNER
ABRAHAM NEUFELD
714 SUSAN STREET
GARDEN CITY, KS 67846

1200 New Jersey Ave., S.E.
Washington, DC 20590

April 5, 2012

In reply refer to:
USDOT Number: 1763791

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since ABRAHAM NEUFELD's USDOT New Entrant registration was revoked on September 15, 2010, based on a failed safety audit conducted on July 6, 2010. Our records also indicate that ABRAHAM NEUFELD has reapplied in accordance with 49 CFR section 385.329. ABRAHAM NEUFELD's reapplication for USDOT New Entrant registration has been approved.

ABRAHAM NEUFELD's 18-month new entrant safety monitoring period restarts as of April 5, 2012. FMCSA will continue to monitor and evaluate ABRAHAM NEUFELD's safety management practices and on-road performance to ensure ABRAHAM NEUFELD has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of ABRAHAM NEUFELD's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of
Enforcement and Compliance

IN RE: DOCKET NO. 11-TRAM-330-OOS

DATE APR 13 2012

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
ABRAHAM NEUFELD, OWNER 03005 FF ROAD COPELAND, KS 67837		
AMBER WHITLOCK, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED APR 13 2012

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.