

**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 **Trash Hog**)
LLC d/b/a Shorts Trash Service, of Frontenac,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations and) Docket No. 25-TRAM-084-UCR
the Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

ORDER GRANTING STAFF'S MOTION TO WAIVE CIVIL FINE

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

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,111, 66-1,112, 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 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, 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 regulation (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

4. Trash Hog LLC d/b/a Shorts Trash Service, of Frontenac, Kansas (“Carrier”), is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicles in interstate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 3216915.

6. Pursuant to K.S.A. 66-1,139a and K.A.R. 82-4-30a, motor carriers operating interstate commerce must pay Unified Carrier Registration (UCR) fees annually, by January 1. Carrier failed to pay its annual UCR fees by January 1, 2024, as required by 49 C.F.R 367.40 and adopted by K.A.R. 82-4-30a.

7. On November 26, 2024, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,¹ due to non-compliance with a Penalty Order issued in this docket on July 30, 2024.² The Penalty Order assessed Carrier a \$500 civil fine for failing to pay its 2024 UCR fees by January 1, 2024, as required by 49 C.F.R. 367.40 and adopted by K.A.R. 82-4-30a. The Commission’s Penalty Order is incorporated herein by reference and made a part of this order.

¹Order Suspending Intrastate Motor Carrier Operations (Nov. 26, 2024).

² See Penalty Order, Docket No. 25-TRAM-084-UCR (Jul. 30, 2024).

8. On December 2, 2024, Carrier contacted Staff regarding the Penalty Order and Carrier's unpaid UCR fees. Carrier stated that it no longer operates and requested inactivation of its USDOT number.

9. Staff inactivated the Carrier's USDOT Number. Additionally, after a review of records, Staff could not find evidence the Carrier had operated in interstate commerce.

10. Staff determined that the Commission should waive the \$500 civil fine. Staff requested no action be taken on the November 26, 2024, Order Suspending Intrastate Motor Carrier Operations should the Carrier decide to reactivate its USDOT sometime in the future.

11. On December 12, 2024, Staff filed a Motion to Waive Civil Fine.

12. The Commission finds it has jurisdiction over Carrier because it is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

13. Based on the available facts in the record, the Commission finds that Staff's recommendation to waive the \$500 civil fine to be reasonable.

14. The Commission concludes that Carrier did not operate in interstate commerce and therefore the \$500 civil fine issued in July 30, 2024, Penalty Order should be waived.

THE COMMISSION THEREFORE ORDERS THAT:

A. The \$500 civil fine in the Penalty Order issued to Trash Hog LLC d/b/a Shorts Trash Service's on July 30, 2024, is hereby waived.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 1217/2024



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

25-TRAM-084-UCR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 12/17/2024.

Susan Dicus, OWNER
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/S/ KCC Docket Room
KCC Docket Room