Kansas Corporation Commission

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

Laura Kelly, Governor

1500 SW Arrowhead Road Topeka, KS 66604-4027

Andrew J. French, Chairperson Dwight D. Keen, Commissioner Susan K. Duffy, Commissioner

#### NOTICE OF PENALTY ASSESSMENT

Century Building Solutions Inc P.O. Box 15376 Lenexa, KS 66285

August 17, 2021

This is a notice of a penalty assessment against Century Building Solutions Inc (Carrier) for violation of the Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered by Kansas Corporation Commission UCR Manager, Verna Jackson. Penalty amounts are assessed in accordance with the Commission-approved Uniform Penalty Assessment Matrix. For a full description of the penalty and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Carrier has been assessed a \$500 penalty for failure to pay Unified Carrier Registration (UCR) fees in the correct fee tier. If you have questions regarding UCR fees please contact the Transportation Division at 785-271-3145. You have thirty (30) days from the date of service of this Penalty Order to pay the penalty. Please remit payment of \$500 through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Network (KTRAN) located at <u>https://puc.kcc.ks.gov/ktran/</u>. If you have not received a letter from the Transportation Division assigning you a Personal Identification Number (PIN) for use with your KTRAN account, please contact the Division at 785-271-3145. You must have an account through KTRAN to pay the penalty.

Additionally, if your 2020 UCR fees are still outstanding, those fees must be paid in the correct tier within thirty (30) days from the date of service of this Penalty Order to avoid additional penalties being assessed. 2020 UCR fees may be paid through the UCR website at www.ucr.gov.

**IF YOU CONTEST THE PENALTY ORDER: 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. Carrier must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <a href="https://puc.kcc.ks.gov/e-filing/e-express/">https://puc.kcc.ks.gov/e-filing/e-express/</a>, and must mail a service copy of the request to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$500 within thirty (30) days from the date of service of the Penalty Order, or failure to comply with the terms of the Order or, in the alternative, failure to provide a timely written request for a hearing, will result in the attached Penalty Order becoming final and may result in additional sanctions including suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

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

Before Commissioners:	Andrew J. French, Chairperson
	Dwight D. Keen
	Susan K. Duffy

In the Matter of the Investigation of **Century** ) Building Solutions Inc, of Lenexa, Kansas, ) Regarding the Violation(s) of the Motor Carrier ) Safety Statutes, Rules and Regulations and the ) Docket No. 22-TRAM-084-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). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

#### I. **JURISDICTION**

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112g and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 and 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.

3. Pursuant to 49 U.S.C. § 14504a, the Unified Carrier Registration (UCR) Act is a federally mandated commercial motor vehicle registration program administered by individual States for motor carriers self-designating their operations as interstate commerce. Kansas administers the UCR Act pursuant to K.S.A. 66-1,139 which requires motor carriers to "register their motor vehicles in their base state pursuant to federal statutes." 49 U.S.C. § 14504a(i)(4) expressly authorizes States the ability to issue citations and impose reasonable fines and penalties "pursuant to the applicable laws and regulations of the State on any motor carrier, motor private carrier, freight forwarder, broker, or leasing company for failure to ...pay the fees required."

4. UCR fees are set annually by the Federal Motor Carrier Safety Administration (FMCSA). The Commission enforces this registration requirement as outlined in the Uniform Penalty Assessment Matrix (Penalty Matrix), reviewed each year by July 1 and subsequently approved by the Commission. The Penalty Matrix establishes the structure of penalties for failure to pay the required UCR fees.

#### **II. FINDINGS OF FACT**

5. On August 11, 2021, Staff submitted a Report and Recommendation (R&R) regarding Century Building Solutions Inc's (Carrier's) failure to pay its 2020 UCR fees in the correct tier category. As part of the R&R, Staff recommended the Commission assess Carrier a penalty in the amount of \$500, to be paid through the Carrier's Kansas Trucking Regulatory Assistance Network (KTRAN) account, and require Carrier to pay its outstanding UCR fees for 2020 in the correct fee tier through the UCR website at www.ucr.gov. A copy of the R&R is attached hereto as **Attachment "A"** and incorporated herein by reference.

6. As noted in the R&R, Carrier has operating authority under United States Department of Transportation (USDOT) number 90173. According to Carrier's USDOT profile,<sup>1</sup> it designates itself as an interstate carrier, with its base as State as Kansas. Carrier owns 6 selfpropelled vehicle(s) that meet the definition of the type of vehicle for which Carrier is required to pay annual UCR fees<sup>2</sup>

7. According to Staff's R&R, Carrier paid its 2020 UCR fees in tier 2, which applies to carriers with 3 to 5 self-propelled vehicles, as evidenced by Carrier's 2020 UCR Registration receipt.<sup>3</sup>

8. According to Staff's R&R, multiple attempts were made to contact Carrier to request it pay its 2020 UCR fees in the correct fee category applying to carriers with 6-20 self-propelled vehicles. On, August 14, 2020, a letter was sent to Carrier by UCR Manager, Verna Jackson.<sup>4</sup> On September 2, 2020, Carrier was sent another letter by UCR Manager, Jackson, regarding its need to pay its 2020 UCR fees in the correct fee category.<sup>5</sup> UCR Manager, Jackson, was contacted by a representative of Carrier on September 10, 2020 who advised that Carrier would shortly pay in the correct fee category.

9. A Final Notice letter was sent by Transportation Staff on March 19, 2021, to Carrier informing it that it needed to remedy this discrepancy.<sup>6</sup> To date, Commission records indicate that the Carrier has not paid its 2020 UCR fees in the correct fee category.

10. Based on Carrier's failure to register its commercial motor vehicle(s) for registration year 2020 in the correct fee category as established in 49 C.F.R. 367, there is sufficient

<sup>&</sup>lt;sup>1</sup> See Exhibit 1 of Staff's R&R.

<sup>&</sup>lt;sup>2</sup> 49 U.S.C. § 14504a requires UCR fees be paid for all commercial motor vehicles owned or operated by a motor carrier, motor private carrier, or freight forwarder.

<sup>&</sup>lt;sup>3</sup> See Exhibit 2 of Staff's R&R.

<sup>&</sup>lt;sup>4</sup> See Exhibit 3 of Staff's R&R.

<sup>&</sup>lt;sup>5</sup> See Exhibit 4 of Staff's R&R.

<sup>&</sup>lt;sup>6</sup> See Exhibit 5 of Staff's R&R.

evidence to demonstrate that the Carrier is in violation of K.S.A. 66-1,139 in conjunction with K.A.R. 82-4-30a, and that a fine in the amount of \$500 is warranted. Additionally, Carrier is still obligated to pay its 2020 UCR fees in the correct fee category through the UCR website at www.ucr.gov.

#### **III. CONCLUSIONS OF LAW**

11. The Commission finds it has jurisdiction over Carrier pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f.

12. The Commission finds Carrier committed one violation of K.S.A. 66-1,139 for failure to pay the 2020 UCR fees in the correct fee category as outlined in 49 C.F.R. Part 367.

#### THE COMMISSION THEREFORE ORDERS THAT:

A. Century Building Solutions Inc of Lenexa, Kansas is hereby assessed a \$500 civil penalty for one violation of K.S.A. 66-1,139 for failure to pay the 2020 UCR fees outlined in 49 C.F.R. Part 367.

B. Century Building Solutions Inc shall pay its outstanding 2020 UCR fees in the correct fee category through the UCR website at www.ucr.gov.

C. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <a href="https://puc.kcc.ks.gov/e-filing/e-express/">https://puc.kcc.ks.gov/e-filing/e-express/</a>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to

timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Penalty Order will become a Final Order.

D. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>7</sup>

E. If you do not request a hearing, the payment of the civil penalty of \$500 as well as payment of the 2020 UCR fees in the correct fee category is due in thirty (30) days from the date of service of this Order. Payment of \$500 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at https://puc.kcc.ks.gov/ktran/. You must have a KTRAN account to pay the penalty through KTRAN. Payment of the 2020 UCR fees in the correct fee category may be made through the UCR website at www.ucr.gov.

F. Failure to pay the \$500 civil penalty and the outstanding 2020 UCR fees within thirty (30) days from the date of service of this Penalty Order,<sup>8</sup> may result in suspension of Carrier's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not be limited to, additional monetary sanctions, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

<sup>&</sup>lt;sup>7</sup> K.S.A. 66-1,142b(e) and amendments thereto.

<sup>&</sup>lt;sup>8</sup> See K.S.A. 66-1,105.

### BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/17/2021

Lynn M. Ref

Lynn M. Retz Executive Director

AAL

Andrew J. French, Chairperson Dwight D. Keen, Commissioner Susan K. Duffy, Commissioner



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

Laura Kelly, Governor

#### REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

- TO: Andrew J. French, Chairperson Dwight D. Keen, Commissioner Susan K. Duffy, Commissioner
- **FROM:** Mike Hoeme, Director of Transportation Verna Jackson, Special Investigator
- **DATE:** August 11, 2021
- **SUBJECT:** Docket No. 22-TRAM-084-PEN, Century Building Solutions Inc. Motor Carrier Penalty Order for Failure to Pay 2020 UCR Fees

#### **EXECUTIVE SUMMARY**:

Century Building Solutions Inc (Carrier) is a carrier that has self-declared to be an interstate motor carrier on its USDOT profile. Interstate motor carriers are required to pay annual Unified Carrier Registration (UCR) fees. Carrier owns six self-propelled vehicles according to its USDOT profile, but paid in the UCR fee category for carriers with 3 to 5 vehicles. Staff has attempted, without success, to contact Carrier regarding this discrepancy its UCR fee payment. The first attempt was on August 14, 2020, when a letter was sent to Carrier by UCR Manager, Verna Jackson. The next attempt was on September 2, 2020, when UCR Manager, Jackson, sent Carrier a second letter regarding its incorrect payment of the 2020 UCR fees. UCR Manager also spoke with a representative of Carrier on September 10, 2020 who told her the fees would be paid correctly shortly. A Final Notice letter dated March 19, 2021, was sent by Transportation Staff. To date, Carrier's profile lists its UCR fees for 2020 as paid in the incorrect fee category. Staff recommends Carrier be assessed a penalty for failure to complete its federal registration as required by K.S.A. 66-1,139, as outlined in the applicable Uniform Penalty Assessment Matrix. Additionally Staff recommends the Carrier be required to pay its 2020 UCR fees in the correct fee category.

#### **BACKGROUND**:

Century Building Solutions, Inc operates under USDOT number 90173, domiciled in Kansas at 640 N. 9<sup>th</sup> Street, Lawrence, Kansas. UCR Manager, Verna Jackson, has been tasked with ensuring Kansas motor carriers conducting interstate operations have properly paid their UCR fees for the calendar year 2020. Based on UCR Manager Jackson's review of Carrier's USDOT profile, Century Building Solutions Inc is self-declared to be conducting interstate operations. On its most recent USDOT Profile update, submitted May 5, 2020, the carrier lists 6 vehicle(s). However, its UCR fees for 2020 were paid in the 3 to 5 vehicle fee category. A copy of the Carrier's

most recent USDOT Profile update is attached hereto as Exhibit 1. A copy of Carrier's 2020 Registration receipt, evidencing its payment in the 3 to 5 vehicle fee category, is attached as Exhibit 2.

An initial letter was sent to the Carrier on August 14, 2020, by UCR Manager Jackson, informing Carrier of its responsibility to pay UCR fees in the correct fee category. A copy of the initial letter is attached hereto as Exhibit 3. A second letter was sent by UCR Manager Jackson to the Carrier on September 2, 2020, reminding it of its UCR obligations. A copy of that letter is attached hereto as Exhibit 4. UCR Manager was contacted by a representative of Carrier on September 10, 2020 who told her the fees would be paid correctly shortly. A Final Notice letter dated March 19, 2021, was sent by Transportation Staff also reminding Carrier that its 2020 UCR fees were paid incorrectly and instructing it on how to correct the discrepancy in payment, a copy of this letter is attached hereto as Exhibit 5.

Therefore, Staff recommends Carrier be assessed a civil penalty for failure to pay 2020 Unified Carrier Registration (UCR) fees in the correct fee category as required. This is a violation of K.S.A. 66-1,139 for failure to "register their motor vehicles in their base state pursuant to federal statutes," namely 49 USC 14504a. Additionally, Staff requests the Commission require the Carrier to pay its UCR fees for 2020 through the UCR website at www.ucr.gov.

#### **DISCUSSION AND ANALYSIS:**

K.S.A. 66-1,139 requires "all interstate regulated public motor carriers of property, of household goods, or of passengers who operate a motor vehicle in Kansas shall register their motor vehicles in their base state pursuant to federal statutes" unless otherwise exempted. The UCR Act, pursuant to 49 USC 14504a, establishes the registration requirements for motor carriers operating in interstate commerce.

The UCR Act is a federally mandated commercial motor vehicle registration program administered by individual states for motor carriers self-designating their operations as interstate or are discovered to be operating in interstate commerce through roadside inspections or an accident. UCR funds are used by states for administration of the UCR program and enforcement of motor carrier safety programs.

UCR fees are collected from all motor carriers or other entities required to obtain an Interstate USDOT number and/or is required to register with the Federal Motor Carrier Safety Administration (FMCSA). There are six fee categories and the registration fees are based on the number of commercial motor vehicles operated in interstate commerce.

Kansas based motor carriers can register UCR by logging into the NRS portal at <u>www.ucr.gov</u> and paying the UCR fees.

For the purposes of determining UCR fees, a Commercial Motor Vehicle (CMV) is defined as: a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo (as defined under 49 U.S.C. Section 31101), if the vehicle:

(1) Has a gross vehicle weight rating or gross combination weight rating or gross vehicle weight or gross combination weight of at least 10,001 pounds, whichever is greater;

(2) Is designed to transport more than 10 passengers including the driver; or

(3) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. Section 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary.

The operation of certain non-CMV vehicles still qualify it for UCR fees, but at the lowest UCR fee bracket. For example, for lightweight passenger vehicles that do not meet the above definition of CMV (l less than 10 passengers including the driver), the fleet size for the UCR purposes would be zero and the carrier would register and pay the lowest fee bracket.

In 2021, the UCR fee schedule was established in 49 C.F.R. 367.60 as follows:

# TABLE 1 TO § 367.60 - FEES UNDER THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT FOR REGISTRATION YEAR 2020

Bracket	Number of commercial motor vehicles owned or operated by exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for exempt or non-exempt motor carrier, motor private carrier, or freight forwarder	Fee per entity for broker or leasing company
B1	0-2	\$59	\$59
B2	3-5	176	
В3	6-20	351	
B4	21-100	1,224	
В5	101-1,000	5,835	
B6	1,001 and above	56,977	

#### AND EACH SUBSEQUENT REGISTRATION YEAR THERAFTER

The UCR Agreement applies to the following types of interstate operations of passenger and property:

(1) Motor carrier;

(2) Motor private carrier of property;

(3) Freight forwarder;

(4) Broker;

(5) Leasing company; and

(6) CMV registered with IRP plates cannot be excluded from the UCR vehicle count.

UCR Exempt Operations include:

(1) Wholly intrastate CMV; and

(2) Private Motor Carriers of Passengers.

If a carrier designates itself as an interstate carrier on its USDOT profile and fails to pay UCR fees within the calendar year that such fees apply, it is in violation of the UCR Agreement as enforced by the state of Kansas and subject to the appropriate fine based on the number of vehicles that should have been registered. Here, Carrier designated itself as an interstate carrier, with 6 vehicle(s) operating in interstate commerce.

Each year, the Commission approves a Uniform Penalty Assessment Matrix, which establishes the fee schedule used by Staff for penalties. With regard to violations of K.S.A. 66-1,139 for failure to pay the fees outlined in 49 CFR 367, the matrix establishes the following fee schedule for standard violations:

Regulation / Statute	Standard				
49 C.F.R. § 367	1 – 5	6 – 20	21-100	101-1000	1000+
	Vehicles	Vehicles	Vehicles	Vehicles	Vehicles
	\$300.00	\$500.00	\$700.00	\$900.00	\$1,000.00

#### **<u>RECOMMENDATION</u>**:

Transportation Staff recommends a penalty of \$500 be assessed against Century Building Solutions Inc in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix. This penalty is based on the carrier's USDOT profile, which lists the carrier as an interstate motor carrier. As discussed above, numerous attempts were made to contact the motor carrier and notify it of its obligation to pay the UCR fees in the correct fee category. To date the 2020 UCR fee remains unpaid in the correct fee category. This is a violation K.S.A. 66-1,139 for failure to comply with the UCR Act, 49 U.S.C. 14504a, by not paying the applicable UCR fees outlines in 49 C.F.R. 367.

Additionally, Staff requests the Commission require the Carrier to pay its outstanding UCR fees for 2020 in the correct fee category through the UCR website at www.ucr.gov.

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Form MCS-150 (Rev. 3-24-2005)

Expiration Date: 07/31/2012



## 2020 UCR Registration is VALID!



Confirmation # 000-0149-1430

Generated: 08/11/2021 15:31 EST Registered on: 02/17/2020 12:09 EST

Year:

2020

UCR Fee: \$176.00 **Paid:** Convenience Fee: \$4.84 Total: \$180.84

**Bracket:** 3 to 5 vehicles [5 vehicle(s)]

USDOT #:

90173

**Classifications:** Motor Carrier

Legal Name: CENTURY BUILDING SOLUTIONS INC

**Base State:** 

**Principal:** 

Kansas

640 N 9TH LAWRENCE, KS 66044 US

**Payor:** CENTURY BUILDING SOLUTIONS INC

\*\*\* Expires: 12/31/2020 \*\*\*

Transportation Division 1500 SW Arrowhead Road Topeka, KS 66604-4027

Susan K. Duffy, Chair Dwight D. Keen, Commissioner Andrew J. French, Commissioner

August 14, 2020

USDOT 90173 Century Building Solutions Inc Attn: Roger Neighbors or Nancy Neighbors PO Box 15376 Lenexa KS 66285

Re: 2020 UCR

Dear Century Building Solutions Inc Representative:

An audit is conducted on carriers that have discrepancies between the number of vehicles registered with IRP and the number of vehicles indicated at the time of the Unified Carrier Registration (UCR) payment. From records collected, Century Building Solutions Inc shows 6 IRP vehicles for the registration period beginning 1/1/2020. The UCR payment transaction made on 2/17/2020 was for 5 vehicles. Motor carriers operating commercial vehicles with IRP registration are required to include all IRP registered commercial motor vehicles in their UCR count.

The Unified Carrier Registration Plan is the organization of State, Federal, and Industry representatives responsible for developing, implementing, and administering the UCR Agreement. Through the Unified Carrier Registration Agreement under Section (e)- Calculation if the Number of Commercial Motor Vehicles Owned or Operated For Determination of UCR Fees, (5)(i), commercial motor vehicles registered with IRP plates cannot be excluded from the vehicle count.

To remedy this discrepancy please file an adjustment to your UCR payment. To file the adjustment, go to the UCR link at <u>www.ucr.gov</u>. Enter your USDOT number and follow the instructions to open your file. Locate the 2020 registration payment. Click on the pencil lcon to the right of the box. Enter the name of the representative making the payment, click the agree button for certification of the payment and click on continue. Enter the number of actual IRP vehicles. The adjustment will reflect the additional amount to be registered. Enter the payment information.

If you have questions, please do not hesitate to contact me.

Thank you.

Verna Jackson PSA, Special Investigator Kansas Corporation Commission Transportation Division Phone: 785-271-3104 Fax: 785-271-3124 e-mail: v.jackson@kcc.ks.gov



Phone: 785-271-3145 Fax: 785-271-3124 http://kcc.ks.gov/

Laura Kelly, Governor

Transportation Division 1500 SW Arrowhead Road Topeka, KS 66604-4027

Susan K. Duffy, Chair Dwight D. Keen, Commissioner Andrew J. French, Commissioner

September 2, 2020

USDOT 90173 Century Building Solutions Inc Attn: Roger Neighbors or Nancy Neighbors PO Box 15376 Lenexa KS 66285

Re: 2020 UCR

Dear Century Building Solutions Inc Representative:

Your immediate attention is requested. Nonpayment of UCR fees in the correct bracket will result in Civil Assessments and a Commission-issued Penalty Order, with a penalty of a minimum of \$300 for each instance of non-compliance.

An audit is conducted on carriers that have discrepancies between the number of vehicles registered with IRP and the number of vehicles indicated at the time of the Unified Carrier Registration (UCR) payment. From records collected, Century Building Solutions Inc shows 6 IRP vehicles for the registration period beginning 1/1/2020. The UCR payment transaction made on 2/17/2020 was for 5 vehicles. Motor carriers operating commercial vehicles with IRP registration are required to include <u>ALL</u> IRP registered commercial motor vehicles in their UCR count.

The Unified Carrier Registration Plan is the organization of State, Federal, and Industry representatives responsible for developing, implementing, and administering the UCR Agreement. Through the Unified Carrier Registration Agreement under Section (e)- Calculation if the Number of Commercial Motor Vehicles Owned or Operated For Determination of UCR Fees, (5)(i), commercial motor vehicles registered with IRP plates cannot be excluded from the vehicle count.

To remedy this discrepancy please file an adjustment to your UCR payment. To file the adjustment, go to the UCR link at <u>www.ucr.gov</u>. Enter your USDOT number and follow the instructions to open your file. Locate the 2020 registration payment. Click on the pencil lcon to the right of the box. Enter the name of the representative making the payment, click the agree button for certification of the payment and click on continue. Enter the number of actual IRP vehicles. The adjustment will reflect the additional amount to be registered. Enter the payment information.

If you have questions, please do not hesitate to contact me.

Thank you.

Verna Jackson PSA, Special Investigator Kansas Corporation Commission Transportation Division Phone: 785-271-3104 Fax: 785-271-3124 e-mail: v.jackson@kcc.ks.gov



Phone: 785-271-3145 Fax: 785-271-3124 http://kcc.ks.gov/

Laura Kelly, Governor

**EXHIBIT 5** 

Transportation Division 1500 SW Arrowhead Road Topeka, KS 66604-4027

Andrew J. French, Chairperson Dwight D. Keen, Commissioner Susan K. Duffy, Commissioner

MARCH 19, 2021

USDOT 90173 CENTURY BUILDING SOLUTIONS INC Attn: MICHELLE 7415 W 130<sup>TH</sup> ST STE 100 OVERLAND PARK, KS 66213

# Re: 2020 UCR FINAL NOTICE

Dear CENTURY BUILDING SOLUTIONS INC Representative:

An audit is conducted on carriers that have discrepancies between the number of vehicles registered with IRP and the number of vehicles indicated at the time of the Unified Carrier Registration (UCR) payment. The UCR payment transaction made on 2/17/20 was for 5 vehicles reflecting those vehicles reported to MCMIS and moving Interstate. From records collected CENTURY BUILDING SOLUTIONS INC shows 6 vehicles owned or operated. Motor carriers operating commercial vehicles with IRP registration are required to include all IRP registered commercial motor vehicles in their UCR count.

The Unified Carrier Registration Plan is the organization of State, Federal, and Industry representatives responsible for developing, implementing, and administering the UCR Agreement. Through the Unified Carrier Registration Agreement under Section (e)- Calculation if the Number of Commercial Motor Vehicles Owned or Operated For Determination of UCR Fees, (5)(i), commercial motor vehicles registered with IRP plates cannot be excluded from the vehicle count.

To remedy this discrepancy please file an adjustment to your UCR or supply adequate documentation to support your payment. To file the adjustment, go to the UCR link at <u>https://plan.ucr.gov/</u>. On the right hand of the website, click on Carrier & Broker Registration. Once you have entered your information and see your information displayed look at your Registration History. You will see a Pen to the right of your View Registration for year **2020**. Click that Pen icon. Make your carrier classification. Next you will have a screen that will allow you to adjust your number of vehicles to a total 6. The amount due for the adjustment will show and payment can be made by credit card or electronic check.

If you have questions, please do not hesitate to contact me.

Thank you.

Beth Hendrix-Simonsen Public Service Administrator Kansas Corporation Commission Transportation Division Phone: 785-271-3145 Fax: 785-271-3124



Phone: 785-271-3145 Fax: 785-271-3124 http://kcc.ks.gov/

Laura Kelly, Governor

#### **CERTIFICATE OF SERVICE**

#### 22-TRAM-084-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on \_\_\_\_\_08/17/2021\_\_\_\_\_\_.

AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 a.latif@kcc.ks.gov Roger Neighbors, PRESIDENT Century Building Solutions Inc PO Box 15376 Lenexa, KS 66285 rogern@neighborsconstruction.com

/S/ DeeAnn Shupe DeeAnn Shupe