

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

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

In the Matter of the Emergency Suspension of      )  
Operating Authority of **Eduardo Lopez, d/b/a**      )  
**Eduardo Lopez & Alberto Lopez Roofing of**      )  
**Newton, Kansas**, for Failure to Comply with New      )      Docket No. 15-TRAM-319-OOS  
Entrant Safety Requirements as Required by the      )  
Motor Carrier Safety Statutes, Rules and      )  
Regulations.

**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. 2014 Supp. 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. 2014 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. 2014 Supp. 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. 2014 Supp. 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. Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing is a motor carrier as defined in K.S.A. 2014 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2419453.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing's New Entrant Registration had been revoked effective January 26, 2015 for failure to comply with safety requirements.

7. Pursuant to the above authority, on February 3, 2015, the Commission entered an Emergency Suspension of Operating Authority Order on Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing in the above-referenced docket, until such time that Staff recommended reinstatement.

### **III. STAFF'S RECOMMENDATION**

8. On April 20, 2015, 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 Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2419453 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 Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing's motor carrier operating authority in Kansas.

### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing because it is a motor carrier as defined in K.S.A. 2014 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing's operating authority in Kansas is reasonable.

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

(A) Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing'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.

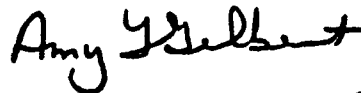
(B) Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roofing remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on February 3, 2015.

(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.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: APR 28 2015



Order Mailed Date

APR 29 2015

Amy L. Gilbert  
Secretary

MJD



U.S. Department of  
Transportation  
**Federal Motor  
Carrier Safety  
Administration**

1200 New Jersey Ave., S.E.  
Washington, DC 20590  
April 20, 2015

EDUARDO LOPEZ  
GENERAL PARTNER  
EDUARDO LOPEZ  
EDUARDO LOPEZ & ALBERTO LOPEZ ROOFING  
1100 W 5TH ST LOT40  
NEWTON, KS 67114-3160

In reply refer to:  
USDOT Number: 2419453

**Action Required: Call to schedule a Safety Audit.**

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since EDUARDO LOPEZ's USDOT New Entrant registration was revoked on January 26, 2015, and that EDUARDO LOPEZ has reapplied in accordance with 49 CFR 385.329. This is to inform EDUARDO LOPEZ that EDUARDO LOPEZ's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; EDUARDO LOPEZ should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-7189 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of EDUARDO LOPEZ's USDOT New Entrant registration and EDUARDO LOPEZ's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

EDUARDO LOPEZ's 18-month new entrant safety monitoring period restarts as of April 20, 2015. FMCSA will continue to monitor and evaluate EDUARDO LOPEZ's safety management practices and on-road performance to ensure EDUARDO LOPEZ 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 EDUARDO LOPEZ's USDOT New Entrant or permanent registration.

EDUARDO LOPEZ's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by EDUARDO LOPEZ as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

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

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
EDUARDO LOPEZ, GENERAL PARTNER D/B/A EDUARDO LOPEZ & ALBERTO LOPEZ ROOFING 1100 W 5TH ST LOT 40 NEWTON, KS 67114-3160		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

Order Mailed Date APR 29 2015

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.