

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

In the Matter of the Investigation of CP )  
**Cranston LLC of Oakley, Kansas**, Regarding )  
the Violation of the Motor Carrier Safety )  
Statutes, Rules and Regulations and the ) Docket No. 17-TRAM-522-PEN  
Commission's Authority to Impose Penalties, )  
Sanctions and/or the Revocation of Motor )  
Carrier Authority. )

**MOTION TO AMEND PENALTY ORDER**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Amended Penalty Order reducing the penalty assessed to CP Cranston LLC (CP Cranston), by fifty-percent (50%) less than the penalty assessed in the Penalty Order dated June 6, 2017. In support of this Motion, Staff states as follows:

1. On June 6, 2017, a Penalty Order was issued to CP Cranston assessing it a penalty of \$500 for two (2) violation(s) 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. The violations were found during a Safety Compliance Review conducted by Special Investigator(s) Penny Fryback on April 26, 2017.

2. The Notice of Penalty Assessment attached to the Penalty Order advised CP Cranston it was a New Entrant carrier and was eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

3. On June 23, 2017, CP Cranston submitted the Reduced Penalty Agreement signed on June 15, 2017. The Corrective Action Plan was submitted by the carrier and has been

approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing CP Cranston a reduced penalty of \$250 (50% less than originally assessed) and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated June 6, 2017 CP Cranston shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order dated June 6, 2017, CP Cranston must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order, CP Cranston must submit payment of \$250.

**WHEREFORE**, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing CP Cranston LLC a reduced penalty of \$250 and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,



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Ahsan A. Latif, S. Ct. #24709  
Litigation Counsel  
Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, Kansas 66604-4027  
Phone: 785-271-3118  
Fax: 785-271-3167  
Email: a.latif@kcc.ks.gov

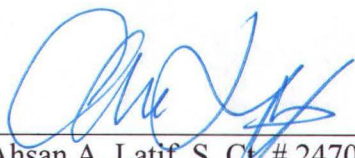
Attorney for Commission Staff

**VERIFICATION**

**17-TRAM-522-PEN**

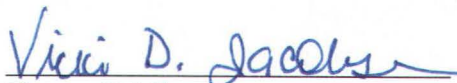
STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SHAWNEE            )

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Amend Penalty Order*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

  
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Ahsan A. Latif, S. Ct. # 24709  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of June, 2017.



  
\_\_\_\_\_  
Vicki D. Jacobsen  
Notary Public

My Appointment Expires: June 30, 2018



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



Phone: 785-271-3100  
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Sam Brownback, Governor

## **REDUCED PENALTY AGREEMENT**

### **17-TRAM-522-PEN**

CP Cranston LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 6, 2017. CP Cranston has agreed to comply with the following terms and obligations:

1. CP Cranston has submitted, within fifteen (15) days from the date of the Penalty Order issued on June 6, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. CP Cranston will, within 30 days from the date of the Penalty Order dated June 6, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. CP Cranston will, within thirty (30) days from the date of the Penalty Order dated June 6, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. CP Cranston will be available within eighteen (18) months from the date of the Penalty Order for a Safety Compliance Review. Transportation Staff will contact it to schedule the review.

CP Cranston LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the Agreement attached to the motion. The Amended Penalty Order will assess CP Cranston a fifty-percent (50%) reduced penalty of \$250, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, CP Cranston will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 15<sup>th</sup> day of June, 2017.

CP Cranston LLC

Chance Cranston  
Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

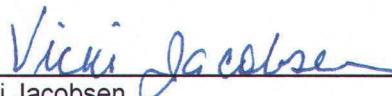
**CERTIFICATE OF SERVICE**

17-TRAM-522-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was placed in the United States mail, postage prepaid, or hand-delivered this 26th day of June, 2017, to the following:

CHANCE CRANSTON, MEMBER  
CP CRANSTON LLC  
520 HUDSON AVE  
OAKLEY, KS 67748  
Fax: 785-671-1257  
chancecranston1@hotmail.com

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
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a.latif@kcc.ks.gov

  
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Vicki Jacobsen