

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

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

In the Matter of the Emergency Suspension of)
Operating Authority of **Red Castle, LLC of**)
Hesston, Kansas, for Failure to Comply with New) Docket No. 17-TRAM-132-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. 2015 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. 2015 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. 2015 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. 2015 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. Red Castle, LLC is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Red Castle, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2837661.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Red Castle, LLC's New Entrant Registration had been revoked effective October 17, 2016 for failure to comply with safety requirements.

7. Pursuant to the above authority, on November 1, 2016, the Commission entered an Emergency Suspension of Operating Authority Order on Red Castle, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On November 16, 2016, 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 Red Castle, LLC 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. 2837661 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 Red Castle, LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Red Castle, LLC because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

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

THE COMMISSION THEREFORE ORDERS THAT:

(A) Red Castle, LLC'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.

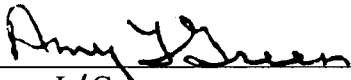
(B) Red Castle, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on November 1, 2016.

(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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 22 2016



Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

NOV 23 2016



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

JAVEN AUBREY ZELLNER
OWNER
RED CASTLE LLC
PO BOX 610
HESSTON, KS 67062-0610

1200 New Jersey Ave., S.E.
Washington, DC 20590
November 17, 2016

In reply refer to:
USDOT Number: 2837661

Action Required: Call to schedule a Safety Audit.

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since RED CASTLE LLC's USDOT New Entrant registration was revoked on October 17, 2016, and that RED CASTLE LLC has reapplied in accordance with 49 CFR 385.329. This is to inform RED CASTLE LLC that RED CASTLE LLC's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; RED CASTLE LLC 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 RED CASTLE LLC's USDOT New Entrant registration and RED CASTLE LLC'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.

RED CASTLE LLC's 18-month new entrant safety monitoring period restarts as of November 17, 2016. FMCSA will continue to monitor and evaluate RED CASTLE LLC's safety management practices and on-road performance to ensure RED CASTLE LLC 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 RED CASTLE LLC's USDOT New Entrant or permanent registration.

RED CASTLE LLC'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 RED CASTLE LLC 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

CERTIFICATE OF SERVICE

17-TRAM-132-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on NOV 22 2016.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
NOV 23 2016