

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

In the Matter of the Investigation of **Party**)
Hardy Bus, LLC, of Wichita, Kansas,)
Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and) Docket No. 15-TRAM-294-PEN
Regulations and the Commission's)
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Party Hardy Bus, LLC, of Wichita, Kansas (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in K.S.A. 2014 Supp. 66-1,108, that operates commercial motor vehicle(s) in interstate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 1915422.
3. On January 27, 2015, the Commission issued Respondent a penalty assessment for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on November 24, 2014, by Kansas Corporation Commission Special Investigator Gary Goeller.
4. The Penalty Order was mailed to Respondent via certified mail, return receipt requested, on January 28, 2015. The Penalty Order was returned to the Commission and was re-

sent by registered U.S. mail on April 5, 2015. Upon this second mailing, the Penalty Order was not returned to the Commission.

5. As of June 2, 2015, Commission records indicate Respondent has not complied with requirements of the Penalty Order in that Respondent had thirty (30) days from service to pay the fine amount of \$1,250, and Transportation Division records indicate the fine is unpaid. Further, Respondent was mailed a letter dated May 21, 2015, notifying him of his unpaid fine and lack of compliance with the above-referenced Penalty Order.

6. Staff asks that the Commission find Respondent received sufficient notice of the Penalty Order, and requisite opportunity to pay the penalty assessment.

7. Staff asks that the Commission find Respondent failed to act upon the Commission's Order.

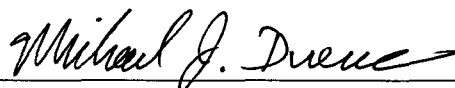
8. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

9. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent pays the penalty amount of \$1,250, and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

10. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations and ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael J. Duenes", is written over a horizontal line.

Michael J. Duenes, #26431
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3181 (Telephone)
(785) 271-3124 (Facsimile)
m.duenes@kcc.ks.gov (E-mail)

For Commission Staff

CERTIFICATE OF SERVICE

15-TRAM-294-PEN

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 2nd day of June, 2015, to the following:

MICHAEL DUENES, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
m.duenes@kcc.ks.gov

OMAR BRAMBILA, OWNER/MEMBER
PARTY HARDY BUS, LLC
2163 S MILSTEAD
WICHITA, KS 67209
plant.418@pssi.com


Vicki Jacobsen