

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Investigation of)
Shanholtzer Transportation, LLC, of)
McCune, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-517-PEN
Regulations and the Commission's Authority)
to Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

ORDER RESCINDING PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On January 16, 2019, the Transportation Division issued a Notice of Insurance Cancellation for failure to submit documentation of Shanholtzer Transportation, LLC's (Shanholtzer) insurance.
2. On February 21, 2019, the Commission issued an Order Suspending Authority for Failure to Maintain Insurance.
3. On June 7, 2019, Special Investigator Verna Jackson conducted a safety compliance review on Shanholtzer and discovered the carrier did not have proper Kansas Corporation Commission motor carrier authority to operate point-to-point in Kansas.
4. On June 25, 2019, the Commission issued a Penalty Order on Shanholtzer citing the violation of the carrier not having proper Kansas Corporation Commission motor carrier authority to operate point-to-point in Kansas and assessed the carrier a \$500 fine.

5. After Transportation staff reviewed the KTRAN records of Shanholtzer, it was determined the carrier did not have any lapse in insurance coverage. The Commission issued an Order Rescinding Suspension Order on July 9, 2019.

6. The Penalty Order issued on June 25, 2019, assessing Shanholtzer a \$500 fine for not having proper authority should also be rescinded.

7. Staff recommends the Penalty Order be rescinded and the Commission finds this reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission's Penalty Order issued on June 25, 2019, shall be rescinded and Shanholtzer Transportation, LLC is not obligated to pay the \$500 fine.

B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein.¹

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 08/20/2019



Lynn M. Retz
Executive Director

AAL

¹ K.S.A. 66-118b; K.S.A. 2018 Supp. 77-529(a)(1).

CERTIFICATE OF SERVICE

19-TRAM-517-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/hand delivered on 08/21/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe