

**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 **KC Running Company,**)
LLC of Leawood, Kansas, for Failure to Comply) Docket No. 14-TRAM-460-OOS
with New 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. 2013 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. 2013 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. 2013 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. 2013 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. KC Running Company, LLC is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. KC Running Company, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2434947.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that KC Running Company, LLC's New Entrant Registration had been revoked effective April 7, 2014 for failure to comply with safety requirements.

7. Pursuant to the above authority, on April 17, 2014, the Commission entered an Emergency Suspension of Operating Authority Order on KC Running Company, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On May 8, 2014, 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 KC Running Company, 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. 2434947 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 KC Running Company, LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over KC Running Company, LLC because it is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108.

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

THE COMMISSION THEREFORE ORDERS THAT:

(A) KC Running Company, 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) KC Running Company, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on April 17, 2014.

(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, Com.; Apple, Com.;

Dated: MAY 15 2014



ORDER MAILED MAY 16 2014

Kim Christiansen
Executive Director

REV



U.S. Department
of
Transportation

**Federal Motor
Carrier Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590
May 8, 2014

In reply refer to:
USDOT Number: 2434947

TROY FITZGERALD
OWNER
KC RUNNING COMPANY LLC
12608 HOWE DRIVE
LEAWOOD, KS 66209

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since KC RUNNING COMPANY LLC's USDOT New Entrant registration was revoked on April 7, 2014, based on a failed safety audit conducted on January 30, 2014. Our records also indicate that KC RUNNING COMPANY LLC has reapplied in accordance with 49 CFR section 385.329. KC RUNNING COMPANY LLC's reapplication for USDOT New Entrant registration has been approved.

KC RUNNING COMPANY LLC's 18-month new entrant safety monitoring period restarts as of May 8, 2014. FMCSA will continue to monitor and evaluate KC RUNNING COMPANY LLC's safety management practices and on-road performance to ensure KC RUNNING COMPANY 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 KC RUNNING COMPANY LLC's USDOT New Entrant or permanent registration.

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
ROBERT VINCENT, LITIGATION ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
TROY FITZGERALD, MEMBER KC RUNNING COMPANY, LCC 12608 HOWE DR LEAWOOD, KS 66209		

ORDER MAILED MAY 16 2014

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.