



## **II. FINDINGS OF FACTS**

3. Delmer L. Meyer (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f, which operates commercial motor vehicles in interstate commerce under the USDOT Number 490866.

4. On September 28, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2021 UCR fees.

5. Carrier contacted Staff on November 18, 2021 requesting inactivation of their USDOT number as they no longer operate and has not operated in 2021. Staff after reviewing available records determined that Carrier has not operated in 2021 and is no longer operating, therefore determined the Penalty Order issued for not paying their 2021 UCR fees should be vacated. Staff has inactivated the Carrier's USDOT number.

6. On November 18, 2021, Transportation Staff filed its Motion to Vacate Penalty Order recommending the Commission vacate the Penalty Order.

## **III. CONCLUSIONS OF LAW**

7. The Commission finds it has jurisdiction over Delmer L. Meyer because Carrier is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted in K.A.R. 82-4-3f.

8. The Commission further finds that Carrier no longer operates and their USDOT number has been inactivated.

9. Therefore the Commission concludes it is appropriate to vacate the Penalty Order issued September 28, 2021.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. The Penalty Order issued to Delmer L. Meyer on September 28, 2021 is hereby vacated.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>1</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 11/23/2021



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Lynn M. Retz  
Executive Director

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<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

I, the undersigned, certify that a true copy of the attached order has been served to the following by means of first class mail on 11/23/2021:

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