

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

In the Matter of the Investigation of)
McDonald, LLC, d/b/a Corner Express of)
Satanta, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 20-TRAM-523-PEN
Regulations and the Commission's Authority)
to Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

MOTION FOR ORDER AMENDING PENALTY ASSESSMENT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, Ahsan A. Latif, files this Motion requesting the Commission issue an Order Amending Penalty Assessment, reducing the penalty originally assessed to McDonald, LLC, d/b/a Corner Express. In support of its Motion, Staff states as follows:

1. On June 25, 2020, a Penalty Order was issued to Corner Express assessing it a penalty of \$250 for one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted on June 17, 2020, by Special Investigator Wade Patterson.

2. The Notice of Penalty Assessment advised Corner Express it was a New Entrant carrier and may be eligible for a fifty-percent (50%) reduction of its penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

3. On July 8, 2020, Corner Express submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation

Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

4. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Corner Express a reduced penalty of \$125 and requesting the carrier to comply with the following terms and obligations:

- a. Corner Express shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel . Due to Governor mandated social distancing and prohibitions on gathering of 50 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted;
- b. within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP), documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violations(s) do not occur in the future. This CAP must be approved by Transportation Staff become eligible for the reduced penalty. Staff notes that Corner Express has submitted an approved CAP.

- c. within eighteen (18) months of the Penalty Order, Corner Express must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- d. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, Corner Express must make the payment of \$125 in the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

WHEREFORE, for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing McDonald, LLC, d/b/a Corner Express a reduced penalty of \$125 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,



Ahsan A. Latif, S. Ct. #24709
Litigation Counsel
Kansas Corporation Commission
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Attorney for Commission Staff

VERIFICATION

20-TRAM-523-PEN

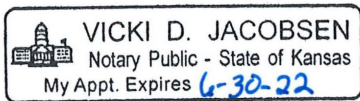
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

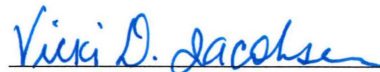
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion for Order Amending Penalty Assessment*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 10th day of July, 2020.





Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
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<http://kcc.ks.gov/>

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

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McDonald, LLC, d/b/a Corner Express (Corner Express) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 25, 2020. Corner Express has agreed to comply with the following terms and obligations:

1. Corner Express has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. Corner Express will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.

3. Corner Express will attend a Commission-sponsored safety seminar and provide the undersigned Litigation Counsel with proof of attendance. Due to Governor mandated social distancing and prohibitions on gathering of 50 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.

4. Corner Express will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

McDonald, LLC, d/b/a Corner Express understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$125, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Corner Express will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 8th day of July, 2020.

McDonald, LLC, d/b/a Corner Express

Robert S. McDonald
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and a.latif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

20-TRAM-523-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was electronically served this 10th day of July, 2020, to the following:

AHSAN LATIF, LITIGATION COUNSEL
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Vicki Jacobsen