

**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 **Migraine Trucking, LLC** )  
**of Glen Elder, Kansas**, for Failure to Comply )      Docket No. 15-TRAM-030-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. Migraine Trucking, 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. Migraine Trucking, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT), and operates under USDOT Number 2367533.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Migraine Trucking, LLC's New Entrant Registration had been revoked effective July 23, 2014, for failure to comply with safety requirements.

7. Pursuant to the above authority, on July 31, 2014, the Commission entered an Emergency Suspension of Operating Authority Order on Migraine Trucking, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

## **III. STAFF'S RECOMMENDATION**

8. On August 26, 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 Migraine Trucking, 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. 2367533 has been approved and the carrier's authority to operate in interstate commerce 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 Migraine Trucking, LLC's motor carrier operating authority in Kansas.

#### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Migraine Trucking, 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 Migraine Trucking, LLC's operating authority in Kansas is reasonable.

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

(A) Migraine Trucking, 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) Migraine Trucking, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on July 31, 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, Commissioner; Apple, Commissioner;

Dated: SEP 04 2014



ORDER MAILED SEP 03 2014

Thomas A. Day  
Acting Executive Director

REV/mjd



U.S. Department of  
Transportation  
**Federal Motor  
Carrier Safety  
Administration**

JACOB MCGUIRE  
OWNER  
MIGRAINE TRUCKING LLC  
309 N NASH ST  
GLEN ELDER, KS 67446-9404

1200 New Jersey Ave., S.E.  
Washington, DC 20590  
August 26, 2014

In reply refer to:  
USDOT Number: 2367533  
MC Number: MC818132

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since MIGRAINE TRUCKING LLC's USDOT New Entrant registration was revoked on July 23, 2014, based on a failed safety audit conducted on May 19, 2014. Our records also indicate that MIGRAINE TRUCKING LLC has reapplied in accordance with 49 CFR section 385.329. MIGRAINE TRUCKING LLC's reapplication for USDOT New Entrant registration has been approved.

MIGRAINE TRUCKING LLC's 18-month new entrant safety monitoring period restarts as of August 26, 2014. FMCSA will continue to monitor and evaluate MIGRAINE TRUCKING LLC's safety management practices and on-road performance to ensure MIGRAINE TRUCKING 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 MIGRAINE TRUCKING 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***		
JACOB MCGUIRE, OWNER MIGRAINE TRUCKING, LLC 309 N NASH ST GLEN ELDER, KS 67446-9404		

ORDER MAILED SEP 05 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.