

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

In the Matter of the Investigation of)
HIGHTOWER DATA LLC of)
MCPHERSON, Kansas, Regarding the) Docket No. 21-TRAM-455-PEN
Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the)
Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation)
of Motor Carrier Authority.

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend HIGHTOWER DATA LLC of MCPHERSON, Kansas (Carrier) from all intrastate commercial motor carrier operations.

In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in interstate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 3321495.
3. On June 22, 2021, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$300 for failure to pay the Unified Commercial Registration (UCR) fees for 2020 and 2021.
4. Carrier was sent a collection letter on August 16, 2021, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto.
5. As of the date of this filing, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

6. Staff asks the Commission find that Carrier's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

7. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$300 as well as its outstanding 2020 and 2021 UCR fees, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier operations.

Respectfully submitted,

/s/ Ahsan A. Latif

Ahsan A. Latif, #24709
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3181 (Telephone)
(785) 271-3124 (Facsimile)
a.latif@kcc.ks.gov (E-mail)

For Commission Staff

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

August 16, 2021

HIGHTOWER DATA LLC
1722 COMANCHE RD
MCPHERSON, KS 67460-7075

Re: Docket No. 21-TRAM-455-PEN
In the Matter of the Investigation of **HIGHTOWER DATA LLC of MCPHERSON, Kansas**, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

On June 22, 2021, a Penalty Order was issued against HIGHTOWER DATA LLC for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$300.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you. Please remit payment of \$300 along with any unpaid UCR fees for 2020 and 2021, through your personal account in the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed and any unpaid UCR fees for 2020 and 2021. **Payment must be made within the next 10 days.**

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call me at 785-271-3118.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
a.latif@kcc.ks.gov

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached motion has been served to the following by means of first class mail this 16th day of September, 2021:

AHSAN LATIF,
LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

HIGHTOWER DATA LLC
1722 COMANCHE RD
MCPHERSON, KS 67460

/s/Abigail Emery