

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

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)  
In the Matter of the Application of Michael's Trucking ) Docket No. 22-TRAM-5016-TRA  
LLC, of Larned, KS, for a Certificate of Public Service. )  
)

**STAFF'S MOTION TO RESCIND ORDERS GRANTING AUTHORITY**

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its Motion to Rescind Orders Granting Authority issued to Michael's Trucking LLC (Carrier). In support of its Motion, Staff states as follows:

1. On August 24, 2021, Transportation Staff submitted a Report and Recommendation recommending penalties be assessed against Carrier after violations were found during a compliance review conducted from August 11 to August 20, 2021 by Special Investigators Penny Fryback and Erica Pargas.

2. On August 27, 2021, Transportation Division Director Mike Hoeme issued an Impound Letter pursuant to K.S.A. 66-1,129a, authorizing the impoundment of any vehicles found to be operating by Michael's Trucking LLC due to the carrier's operations taking place without first obtaining Commission authority to operate.

3. On August 30, 2020, the Commission received an application from Michael's Trucking LLC for a Private Carrier Permit and a Certificate of Public Service that would authorize Carrier to operate as a motor carrier in Kansas.

4. On September 2, 2021, the Commission issued a Penalty Order to Carrier alleging eleven (11) violations of the Motor Carrier Safety Regulations and assessing the carrier with a \$5,700 in fines.

5. On September 7, 2021, Counsel for Staff sent a letter informing Carrier that it was putting Staff was placing its applications for authority on hold and directing Michael Haney to contact a United States Department of Transportation (DOT) certified Substance Abuse Professional (SAP) and receive clearance before Staff would consider Carrier's application.

6. On September 9, 2021, the Commission inadvertently issued an Order Granting Application for Certificate of Public Service and an Order Granting Application for a Private Motor Carrier Permit in this Docket. Both orders were issued by mistake as Staff is holding Carrier's applications until such time as Michael Haney receives clearance from a DOT-certified SAP.

7. Therefore, Staff requests the Commission rescind the Order Granting Application for Certificate of Public Service and the Order Granting Application for a Private Motor Carrier Permit issued to Carrier on September 9, 2021.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests the Commission rescind the Order Granting Application for Certificate of Public Service and the Order Granting Application for a Private Motor Carrier Permit issued to Carrier on September 9, 2021.

Respectfully submitted,

*/s/ Ahsan Latif*

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For Commission Staff

## **CERTIFICATE OF SERVICE**

22-TRAM-5016-TRA

I, the undersigned, certify that a true and correct copy of the above and foregoing motion was sent by first class mail on 13th day of September, 2021, to the following:

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Paralegal

\* Denotes those receiving the Confidential version