

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

In the Matter of the Investigation of)
Commercial Tire Centers, Inc. of Salina,)
Kansas, Regarding the Violation of the) Docket No. 20-TRAM-472-PEN
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 Commercial Tire Centers, Inc. of Salina, Kansas (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent 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 intrastate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2471438.
3. On May 28, 2020, the Commission issued Respondent a Penalty Order that assessed a civil penalty of \$450 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Gregory Askren on May 8, 2020.
4. The Respondent was served with the Penalty Order via certified mail, return receipt requested, on June 1, 2020. A Proof of Service was filed in this docket on June 4, 2020. The Respondent had 30 days from the date served to pay the civil penalty of \$450.

5. Respondent was sent a collection letter on July 15, 2020, 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.

6. As of July 28, 2020, Commission records indicate that Respondent has not complied with the collection letter or the requirements of the Penalty Order.

7. Staff asks the Commission find that Respondent'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.

8. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent pays the penalty of \$450, 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 Respondent's intrastate motor carrier.

Respectfully submitted,



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



COPY

Phone: 785-271-31000
Fax: 785-271-33544
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

July 15, 2020

Erin J. Behrens
Commercial Tire Centers, Inc.
2144 W Crawford
Salina, Kansas 67401

Re: Docket No. 20-TRAM-472-PEN
In the Matter of the Investigation of **Commercial Tire Centers, Inc. of Salina, 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

Dear Mr. Behrens:

On May 28, 2020, a Penalty Order was issued against Commercial Tire Centers, Inc. for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$450.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission of compliance with the terms and conditions of the above-referenced Penalty Order. In order 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 \$450, 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. **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,


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

CERTIFICATE OF SERVICE

20-TRAM-472-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion To Suspend Intrastate Motor Carrier Operations was served via electronic service this 28th day of July, 2020, to the following:

ERIN J. BEHRENS, CORPORATE SECRETARY/TREASURE
COMMERCIAL TIRES CENTERS, INC.
2144 W CRAWFORD
SALINA, KS 67401-4591
greatestmom222@yahoo.com

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



Ann Murphy