

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

In the Matter of the Investigation of **Abba Trust, of** )  
**Wichita, Kansas**, Regarding the Violation(s) of the )  
Motor Carrier Safety Statutes, Rules and Regulations )  
and the Commission's Authority to Impose Penalties, ) Docket No. 24-TRAM-514-UCR  
Sanctions and/or the Revocation of Motor Carrier )  
Authority. )

**STAFF'S MOTION TO VACATE PENALTY ORDER**

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its Motion to Vacate the Penalty Order issued to Abba Trust (Carrier). In support of its Motion, Staff states as follows:

1. On January 24, 2024, Commission Staff submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for year 2023 and 2024. As explained by Staff, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.<sup>1</sup>

2. On January 30, 2024, the Commission issued a Penalty Order in this docket assessing a \$600 civil penalty against Carrier for failure to pay its 2023 and 2024 UCR fees.

3. On March 29, 2024 the Carrier filed an Objection Contesting Penalty Order requesting leniency regarding the penalty. Additionally, Carrier contacted Staff after the issuance of the Penalty Order stating that Carrier mistakenly indicated it operated interstate, but actually operates solely intrastate.

4. Staff confirmed that the Carrier had updated its USDOT Profile to reflect it only operated intrastate. Additionally, after reviewing available records, Staff could not find evidence the carrier was found operating in interstate commerce. Staff therefore determined the Penalty

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<sup>1</sup> Staff's R&R, p. 1 (Jan. 24, 2024).

Order issued for not paying their 2023 and 2024 UCR fees should be vacated. Staff states that vacating the Penalty Order would render the Objection Contesting Penalty Order moot.

5. Therefore, based on the facts stated above, Staff requests the Commission vacate the Penalty Order issued to Carrier on January 30, 2024.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests the Commission vacate the Penalty Order issued to Abba Trust in this docket on January 30, 2024.

Respectfully submitted,

*/s/ Ahsan Latif*

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For Commission Staff

## **CERTIFICATE OF SERVICE**

24-TRAM-514-UCR

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on April 15, 2024.

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/S/ Kiley McManaman  
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Kiley McManaman