

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Investigation of **Red Fox**)
Transportation LLC of Lenexa, Kansas,)
Regarding the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 24-TRAM-189-UCR
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.

**ORDER GRANTING STAFF'S MOTION TO LIFT SUSPENSION AND VACATE
PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 66-1,111, 66-1,112g, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, 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. 66-1,129a, 66-1,130, and 66-1,142b, 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.

II. FINDINGS OF FACTS

3. Red Fox Transportation LLC (Carrier) is a motor carrier as defined by 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, which purported to operate commercial motor vehicles in interstate commerce under the USDOT Number 4070010.

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

5. On August 31, 2023, the Commission issued a Penalty assessing a \$300 civil penalty against Carrier for one (1) violation of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.²

6. On November 9, 2023, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to pay the \$300 civil penalty and the 2023 UCR fees.

7. On November 28, 2023, the Commission issued an Order Suspending Motor Carrier Operations of Carrier.

8. The Carrier advised Staff that operations have not started, however, Staff advised the Carrier that they were still required to pay their UCR fees. The Carrier paid their UCR fees after speaking to staff. Staff, after a review of its records, determined that the Carrier had not been found operating in 2023. Therefore, the penalty issued to Carrier for not paying its 2023 UCR fees should be vacated.

¹ Staff's R&R, p. 1 (Aug. 24, 2023).

² Penalty Order (Aug. 31, 2023).

9. On December 13, 2023, Transportation Staff filed its Motion to Lift Suspension and Vacate Penalty Order recommending the Commission both lift the suspension on Carrier's motor carrier operations and vacate the Penalty Order.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Red Fox Transportation LLC because Carrier is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

11. The Commission further finds that Carrier has not started operations and paid their UCR fees.

12. Therefore the Commission concludes it is appropriate to lift the suspension on Carrier's motor carrier operations and vacate the Penalty Order issued August 31, 2023.

THE COMMISSION THEREFORE ORDERS THAT:

A. The suspension ordered in the Commission's November 28, 2023, Order on Red Fox Transportation LLC is hereby lifted.

B. The Penalty Order issued to Red Fox Transportation LLC on August 31, 2023, is hereby vacated.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).³

³ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/19/2023

Lynn M. Retz

Lynn M. Retz
Executive Director

AAL

CERTIFICATE OF SERVICE

24-TRAM-189-UCR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 12/19/2023.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

Ashenafi Tadesse, MEMBER
Red Fox Transportation LLC
8840 Noland Rd
Lenexa, KS 66215
asheberhanu@yahoo.com

/S/ KCC Docket Room
KCC Docket Room