

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

In the Matter of the Investigation of **Cow**)
Town Nutrition LLC, of Abilene, Kansas,)
Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and)
Regulations and the Commission's) Docket No. 17-TRAM-217-PEN
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 Cow Town Nutrition LLC of Abilene, 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 K.S.A. 2015 Supp. 66-1,108, 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 2166363.
3. On November 29, 2016, the Commission issued Respondent a penalty assessment of \$950 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on October 21, 2016, by Kansas Corporation Commission Special Investigator Gregory Askren.
4. The Penalty Order was mailed to Respondent via certified mail, return receipt requested, on November 29, 2016. A Proof of Service was filed in this docket on December 28, 2016, indicating the Respondent was served with the Penalty Order on December 5, 2016.

5. As of January 17, 2017, Commission records indicate Respondent has not complied with requirements of the Penalty Order in that Respondent had thirty (30) days from service to pay the fine amount of \$950, and Transportation Division records indicate the fine is unpaid. Further, Respondent was mailed a letter dated January 3, 2017, to its mailing address, notifying it of the unpaid fine and lack of compliance with the above-referenced Penalty Order, giving Respondent ten (10) days from the date of the collection letter to pay the penalty amount.

6. Staff asks that the Commission find Respondent received sufficient notice of the Penalty Order, and requisite opportunity to pay the penalty assessment.

7. Staff asks that the Commission find Respondent failed to act upon the Commission's Order.

8. 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.


9. 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 amount of \$950, and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

10. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

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

ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

Respectfully submitted,



Ahsan A. Latif, #24709

Litigation Counsel

Kansas Corporation Commission

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For Commission Staff

VERIFICATION

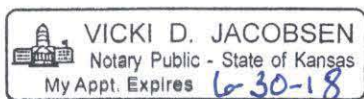
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Suspend Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 17th day of January, 2017.


Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

17-TRAM-217-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 18th day of January, 2017, to the following:

NICK WEIBERT, MANAGING MEMBER
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