

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Emergency Suspension of)
Operating Authority of **Nicholas Gosvener, d/b/a**)
Gosvener Trucking of Luray, Kansas, for Failure) Docket No. 18-TRAM-437-OOS
to Comply with New Entrant Safety Requirements)
as Required by the Motor Carrier Safety Statutes,)
Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 66-1,108, 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. 2017 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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.

3. Pursuant to K.S.A. 2017 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Nicholas Gosvener, d/b/a Gosvener Trucking is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Nicholas Gosvener, d/b/a Gosvener Trucking is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2400989.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Nicholas Gosvener, d/b/a Gosvener Trucking's New Entrant Registration had been revoked effective April 9, 2018, for failure to comply with safety requirements.

7. Pursuant to the above authority, on April 17, 2018, the Commission entered an Emergency Suspension of Operating Authority Order on Nicholas Gosvener, d/b/a Gosvener Trucking in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On April 18, 2018, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation,

Federal Motor Carrier Safety Administration, that Nicholas Gosvener, d/b/a Gosvener Trucking has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2400989 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Nicholas Gosvener, d/b/a Gosvener Trucking's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Nicholas Gosvener, d/b/a Gosvener Trucking because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Nicholas Gosvener, d/b/a Gosvener Trucking's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

(A) Nicholas Gosvener, d/b/a Gosvener Trucking's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

(B) Nicholas Gosvener, d/b/a Gosvener Trucking remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on April 17, 2018, and provide proof of attendance to Litigation Counsel.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 04/26/2018 _____

A handwritten signature in cursive script, reading "Lynn M. Retz".

Lynn M. Retz
Secretary to the Commission

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Out of Service Records



USDOT Number:	2400989	Company Type:	CARRIER	Status:	ACTIVE
Legal Name / DBA Name:	NICHOLAS GOSVENER / GOSVENER TRUCKING				
Physical Address:	118 N FAIRVIEW, LURAY, KS 67649				

OOS Date	State	Rescind Date	Reason Description
04/09/2018		04/16/2018	NEW ENTRANT REVOKED - REFUSAL OF AUDIT/NO CONTACT

Options for this Company 

April 18, 2018

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Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-5660 - TTY: 1-800-877-8339 - [Field Office Contacts](#)

CERTIFICATE OF SERVICE

18-TRAM-437-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 04/27/2018.

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