

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner



20170627161308
Kansas Corporation Commission

Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

June 27, 2017

17-TRAM-557-PEN

Ray Sturn, Director of Operations
Moly Manufacturing, Inc.
2435 10th Rd
Lorraine, Kansas 67459

Certified Mail Receipt No. 70161970000105740501

This is a notice of a penalty assessment against Moly Manufacturing, Inc. for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 1, 2017, by Kansas Corporation Commission Special Investigator(s) Gregory Askren. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

Moly Manufacturing has been assessed a \$650 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$650, through your personal account with 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.

MOLY MANUFACTURING IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

(1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter.

(4) within 18 months from the date of the attached Penalty Order, the carrier must be available for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended

Penalty Order assessing the reduced penalty and setting out the terms and conditions stated above will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$325 would be due within thirty (30) days from the date of service of the Amended Penalty Order.

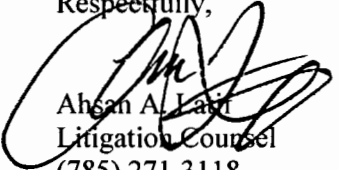
IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Moly Manufacturing, Inc. must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and by mailing a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$650 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Moly Manufacturing submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$325 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Pat Apple, Chairman
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REDUCED PENALTY AGREEMENT

17-TRAM-557-PEN

Moly Manufacturing, Inc. hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 27, 2017. Moly Manufacturing has agreed to comply with the following terms and obligations:

1. Moly Manufacturing has submitted, within fifteen (15) days from the date of the Penalty Order issued on June 27, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Moly Manufacturing will, within 30 days from the date of the Penalty Order dated June 27, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff before my company can be eligible for the 50% reduced penalty.

3. Moly Manufacturing will, within thirty (30) days from the date of the Penalty Order dated June 27, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. Moly Manufacturing will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Moly Manufacturing, Inc. understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with this Agreement attached to the motion. The Amended Penalty Order will assess Moly Manufacturing a fifty-percent (50%) reduced penalty of \$325, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Moly Manufacturing will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this _____ day of _____, 2017.

Moly Manufacturing, Inc.

Ray Sturn
Director of Operations

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

Before Commissioners: Pat Apple, Chairman
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Moly**)
Manufacturing, Inc., of Lorraine, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 17-TRAM-557-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 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. 2016 Supp. 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.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Moly Manufacturing, Inc. (Moly Manufacturing) has private operating authority from the Commission and further operates under USDOT number 369682.

5. Christi Bailey attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on January 25, 2016, on behalf of Moly Manufacturing.

6. Moly Manufacturing is a private motor carrier which primarily hauls general freight, farm supply, and livestock equipment.

7. Moly Manufacturing is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on June 1, 2017, Commission Staff (Staff) Special Investigator(s) Gregory Askren conducted a compliance review of the operations of Moly Manufacturing. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Askren identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On April 3, 2017, Moly Manufacturing required or permitted its driver, Mark Shramek, to operate a CDL-required commercial motor vehicle, a 2004 Freightliner, VIN ending in 92304, GVWR 33,000 lbs., pulling a

1986 Utility trailer, VIN ending in 503502, GVWR 65,000 lbs., in intrastate commerce from Lorraine, Kansas to Ellsworth, Kansas. This trip is evidenced by a Bill of Lading, dated April 3, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Moly Manufacturing did not have in place an alcohol and controlled substance testing program for its CDL drivers. The carrier employs two (2) CDL drivers. Moly Manufacturing's failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$650.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Moly Manufacturing committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Staff recommends a civil penalty of \$650 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Moly Manufacturing, Inc. is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits

to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment.

12. Staff recommends Moly Manufacturing, Inc. submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that Moly Manufacturing attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that Moly Manufacturing submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over Moly Manufacturing because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$650 should be assessed to Moly Manufacturing for committing one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds Moly Manufacturing is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement, which states it will comply with the reduced penalty terms and obligations set out therein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Moly Manufacturing, Inc., of Lorraine, Kansas is hereby assessed a penalty of \$650 for one (1) violation(s) 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. Payment of \$650 must be made through your personal account with 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.

B. Moly Manufacturing is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

C. Moly Manufacturing must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Moly Manufacturing is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If Moly Manufacturing does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$650 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Moly Manufacturing's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order.** On June 27, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105740501. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing

will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Moly Manufacturing's right to a hearing.

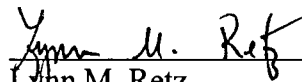
G. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JUN 27 2017




Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date
JUN 28 2017

ATTACHMENT "A"

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 369682	Legal: MOLY MANUFACTURING, INC		
	Operating (DBA):			
MC/MX #:		State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: E
Operation Types		Interstate	Intrastate	
Carrier: N/A		Non-HM	Business: Corporation	
Shipper: N/A		N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2016	
Cargo Tank: N/A				
Company Physical Address: [REDACTED]				
Contact Name: Ray Sturm				
Phone numbers: (1) [REDACTED] (2) [REDACTED]		Fax		
E-Mail Address: [REDACTED]				
Company Mailing Address: 2435 10TH RD LORRAINE, KS 67459-9938				
Carrier Classification Private Property				
Cargo Classification General Freight Farm Supply Other: Livestock Equipment				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	3	0	0	Truck Tractor
Trailer	6	0	0	
	Owned	Term Leased	Trip Leased	
	1	0	0	
Power units used in the U.S.: 4				
Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra		
< 100 Miles:	3		Average trip leased drivers/month: 0	
>= 100 Miles:	1		Total Drivers: 4	
			CDL Drivers: 2	





MOLY MANUFACTURING INC
U.S. DOT #: 369682

State #: [REDACTED]

Review Date:
06/14/2017

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

Address not available

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Ray Stum

Title: Director of operations

Name: [REDACTED]

Title: [REDACTED]





MOLY MANUFACTURING INC

U.S. DOT #: 369682

State #: [REDACTED]

Review Date:

06/14/2017

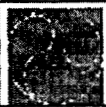

Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example Trip Date - April 3, 2017 Driver [REDACTED] - Ks. OLN [REDACTED] Operated a 2004 FRHT, VIN # [REDACTED] 92304, Ks. Reg. [REDACTED] GVWR 33,000 lbs. pulling a 1986 Utility Semi trailer, VIN # [REDACTED] 503502, Ks. Reg. [REDACTED] GVWR 65,000 lbs in intrastate commerce on a trip from Lorraine, ks. to Ellsworth, ks. Moly Manufacturing Inc. failed to have a drug and alcohol testing program in place at the time of the investigation.					
Safety Fitness Rating Information:					
Total Miles Operated 38,702		OOS Vehicle (CR): 0			
Recordable Accidents 0		Number of Vehicle Inspected (CR): 0			
		OOS Vehicle (MCMIS): 0			
		Number of Vehicles Inspected (MCMIS): 0			

Your proposed safety rating is :

This Review is not Rated.



	MOLY MANUFACTURING INC	State #: 	Review Date:
	U.S. DOT #: 369682		06/06/2017
Part B Requirements and/or Recommendations			

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official.

Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>



The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
 Attn: Gary Davenport
 1500 SW Arrowhead Rd
 Topeka, KS 66604-4027

2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: Carrier failed to implement a controlled substance and/or alcohol testing program. Seek out Third Party Administrators that operate as a controlled substance and alcohol testing consortium and make sure that all CDL required drivers have pre-employment test completed with results known prior to operation of a CDL required CMV and make sure that the consortium enrolls those drivers in a random testing program with other CDL drivers in a testing pool. Owner operators are also required to have a program and be tested.



	MOLY MANUFACTURING INC	State #: 	Review Date:
	U.S. DOT #: 369682		06/06/2017
Part B Requirements and/or Recommendations			

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Moly Manufacturing failed to implement a drug and alcohol testing program.


BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

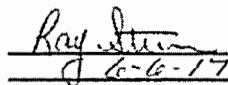
- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

Seek Out Resources:



	MOLY MANUFACTURING INC U.S. DOT #: 369682	Review Date: 06/06/2017
Part B Requirements and/or Recommendations		

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
 - Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.
4. Please update and include all pertinent information with regards to commodities carried, ie Hazardous Materials or other products on your MCS-150 registration.
 5. Stay in contact with your KCC investigator for any questions or issues with continued safety compliance.
 SI Gregory Askren
 785.483.0212
 g.askren@kcc.ks.gov
 6. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements and/or failure to comply with the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Moly Manufacturing Inc. operating authority and/or the impoundment of Moly Manufacturing Inc vehicles.


Ray J. Askren
6-6-17

NAME OF CARRIER OFFICIAL, TITLE - *Director of Operations*
 Date



ATTACHMENT "B"

WEEKLY PARTS LIST / BILL OF LADING

Date: 04/03/17

Ship By:

Chutes	Qty	Ship 1	Qty	Ship 2
Joannicks Ranch SER #10217	(1)	X		
Behlen Mfg. Co. SER #10317	(1)	X		
Nesler Livestock SER #10307	(1)	X		
Cody Williams SER #10057	(1)	X		
John Booner SER #10357	(1)	X		
Dillon Miller SER #10017	(1)	X		
4 Turkey Gates SER #10017	(4)	X		

Pumps

5 HP 1ph 60hz
5 HP 1ph 50hz
5 HP 3ph 60hz
5 HP 3ph 50hz
Behlen 5 HP 1ph
Behlen Gas
6.5 HP Gas
7.5 HP 1ph 60hz
7.5 HP 3ph 60hz

head & tail doors

Overhead Scales

Service orders

#3/3/30/17
1 Debas Motor (1) X
#6 4/3/17
#7 4/3/17
#1 4/3/17
#2 4/3/17
#3 4/3/17
#5 4/3/17
#9 4/3/17

service orders received by
Signature

Shipper signature

Driver signature

Receiver signature

CERTIFICATE OF SERVICE

17-TRAM-557-PEN

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 JUN 27 2017.

AHSAN LATIF, LITIGATION COUNSEL
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TOPEKA, KS 66604-4027
Fax: 785-271-3354
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RAY STURN, DIRECTOR OF OPERATIONS
MOLY MANUFACTURING, INC.
2435 10TH RD
LORRAINE, KS 67459-9938
rsturn@molyvmfg.com

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

JUN 28 2017