

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

In the Matter of the Investigation of **Royer**)
Brothers Tree Service, LLC of Sterling,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 18-TRAM-004-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

MOTION TO AMEND PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Amended Penalty Order reducing the penalty assessed to Royer Brothers Tree Service, LLC (Royer Brothers), by fifty-percent (50%) than the penalty assessed in the Penalty Order dated July 11, 2017. In support of this Motion, Staff states as follows:

1. On July 11, 2017, a Penalty Order was issued to Royer Brothers assessing it a penalty of \$250 for 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. The violations were found during a Safety Compliance Review conducted by Special Investigator(s) Doug Handy on May 15, 2017.

1. The Notice of Penalty Assessment advised Royer Brothers it was a New Entrant carrier and was eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

2. On July 18, 2017, Royer Brothers submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by

Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing Royer Brothers a reduced penalty of \$125 (50% less than originally assessed) and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated July 11, 2017 Royer Brothers shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order dated July 11, 2017, Royer Brothers must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order, Royer Brothers must make the payment of \$125 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Royer Brothers Tree Service, LLC a reduced penalty of \$125 and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Latif', is written over a horizontal line.

Ahsan A. Latif, S. Ct. #24709

Litigation Counsel

Kansas Corporation Commission

1500 S.W. Arrowhead Road

Topeka, Kansas 66604-4027

Phone: 785-271-3118

Fax: 785-271-3167

Email: a.latif@kcc.ks.gov


Attorney for Commission Staff

VERIFICATION

18-TRAM-004-PEN

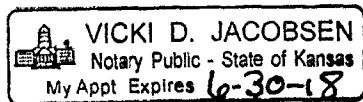
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

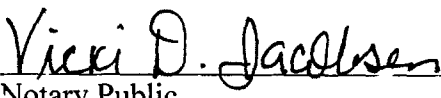
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Amend Penalty Order*, and attests that the statements therein are 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 2nd day of August, 2017.





Vicki D. Jacobsen
Notary Public

My Appointment Expires: June 30, 2018

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

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Royer Brothers Tree Service, LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated July 11, 2017. Royer Brothers has agreed to comply with the following terms and obligations:

1. Royer Brothers has submitted, within fifteen (15) days from the date of the Penalty Order issued on July 11, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Royer Brothers will, within 30 days from the date of the Penalty Order dated July 11, 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. Royer Brothers will, within thirty (30) days from the date of the Penalty Order dated July 11, 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. Royer Brothers 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.

Royer Brothers Tree Service, LLC 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 Royer Brothers a fifty-percent (50%) reduced penalty of \$125, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Royer Brothers will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 18 day of July, 2017.

Royer Brothers Tree Service, LLC


Robert Royer
Member

(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.)

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Order was served via electronic service this ^{1st}~~2nd~~ day of August, 2017, to the following

AHSAN LATIF, LITIGATION COUNSEL
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1500 SW ARROWHEAD RD
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a latif@kcc ks.gov

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Vicki Jacobsen