

**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 Emergency Suspension of )  
Operating Authority of Solid Ground )  
**Excavating, LLC of LaCygne, Kansas, for** ) Docket No. 17-TRAM-409-OOS  
Failure 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. 2016 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. 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, 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. 2016 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. Solid Ground Excavating, LLC is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Solid Ground Excavating, LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2827586.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Solid Ground Excavating, LLC's New Entrant Registration had been revoked effective March 14, 2017, for failure to comply with safety requirements.

7. Pursuant to the above authority, on March 28, 2017, the Commission entered an Emergency Suspension of Operating Authority Order on Solid Ground Excavating, LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

## **III. STAFF'S RECOMMENDATION**

8. On April 17, 2017, 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 Solid Ground Excavating, LLC 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. 2827586 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 Solid Ground Excavating, LLC's motor carrier operating authority in Kansas.

#### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Solid Ground Excavating, LLC because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Solid Ground Excavating, LLC's operating authority in Kansas is reasonable.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

(A) Solid Ground Excavating, LLC'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) Solid Ground Excavating, LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on March 28, 2017.

(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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 20 2017



Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date

APR 21 2017



U.S. Department of  
Transportation  
**Federal Motor  
Carrier Safety  
Administration**

KENDRA MCCAMMON  
MEMBER  
SOLID GROUND EXCAVATING LLC  
629 N 7TH  
LACYGNE, KS 66040

1200 New Jersey Ave., S.E.  
Washington, DC 20590  
April 14, 2017

In reply refer to:  
USDOT Number: 2827586

According to Federal Motor Carrier Safety Administration's (FMCSA) records, thirty days have elapsed since SOLID GROUND EXCAVATING LLC's USDOT New Entrant registration was revoked on March 14, 2017, based on a failed safety audit conducted on December 12, 2016. Our records also indicate that SOLID GROUND EXCAVATING LLC has reapplied in accordance with 49 CFR section 385.329. SOLID GROUND EXCAVATING LLC's reapplication for USDOT New Entrant registration has been approved.

SOLID GROUND EXCAVATING LLC's 18-month new entrant safety monitoring period restarts as of April 14, 2017. FMCSA will continue to monitor and evaluate SOLID GROUND EXCAVATING LLC's safety management practices and on-road performance to ensure SOLID GROUND EXCAVATING LLC has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of SOLID GROUND EXCAVATING LLC's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of  
Enforcement and Compliance

**CERTIFICATE OF SERVICE**

17-TRAM-409-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 APR 20 2017.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe

**Order Mailed Date**

**APR 21 2017**