

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

In the Matter of the Investigation of **KS Underground**)
& Trailer Town Inc, of Wichita, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes, Rules)
and Regulations and the Commission's Authority to) Docket No. 23-TRAM-167-PEN
Impose Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)
)

STAFF'S MOTION TO VACATE PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its Motion to Vacate the Penalty Order issued to KS Underground & Trailer Town Inc (Carrier). In support of its Motion, Staff states as follows:

1. On November 4, 2022, Commission Staff UCR Manager Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for year 2022. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.¹

2. On November 10, 2022, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2022 UCR fees.

3. Carrier contacted Staff after the issuance of the Penalty Order stating that Carrier has been out of business since May of 2021. Carrier also requested Staff inactivate Carrier's USDOT number.

4. Staff after reviewing available records inactivated Carrier's USDOT number. Additionally, Staff reviewed available records and could not find evidence the carrier was found operating in interstate commerce. Staff therefore determined the Penalty Order issued for not paying their 2022 UCR fees should be vacated.

¹ Staff's R&R, p. 1 (Nov. 4, 2022).

5. Therefore, based on the facts stated above, Staff requests the Commission vacate the Penalty Order issued to Carrier on November 10, 2022.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission vacate the Penalty Order issued to KS Underground & Trailer Town Inc in this docket on November 10, 2022.

Respectfully submitted,

/s/ Ahsan Latif

Ahsan Latif, S. Ct. #24709
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3118 (Telephone)
(785) 271-3124 (Facsimile)
a.latif@kcc.ks.gov (E-mail)

For Commission Staff

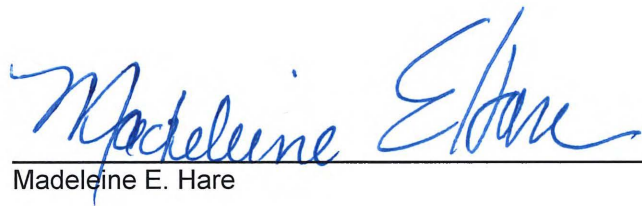
CERTIFICATE OF SERVICE

23-TRAM-167-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion to vacate Penalty Order was placed in the United States mail, postage prepaid, or hand-delivered this 16th day of November, 2022, to the following:

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

BENJAMIN ROGERS, MANAGING MEMBER
UTILITY EQ SALES LLC
1100 SW KOCH
BENTON, KS 67017
goldenace2008@gmail.com



Madeleine E. Hare