

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

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. Jose E. Orellana, d/b/a J & R Towing, of Haysville, Kansas (Respondent), is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108 that operates commercial motor vehicles in intrastate commerce.

5. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2190349.

6. On November 7, 2017, the Commission issued an Order suspending Respondent's intrastate motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2016 Supp. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on September 15, 2015. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. On January 4, 2018, Respondent submitted evidence to Transportation Staff (Staff) of bringing its motor carrier operation into compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order.

8. On January 8, 2018, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations on Respondent.

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

9. Based on Staff's Motion and Respondent's compliance, Staff recommends the Commission reinstate Respondent's Kansas motor carrier operations.

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

10. The Commission finds it has jurisdiction over Respondent 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 Jose E. Orellana, d/b/a J & R Towing's motor carrier operations is reasonable.

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

A. Jose E. Orellana, d/b/a J & R Towing's ability to carry on motor carrier operations in the state of Kansas is hereby reinstated.

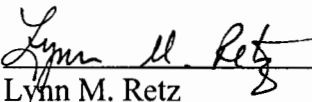
B. Jose E. Orellana, d/b/a J & R Towing remains obligated to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order. Respondent must also provide Litigation Counsel with written proof of attendance.

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

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 11 2018

  
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Lynn M. Retz  
Secretary to the Commission

AAL

Order Mailed Date

JAN 12 2018

**CERTIFICATE OF SERVICE**

16-TRAM-111-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 **JAN 11 2018**.

JOSE E. ORELLANA, OWNER  
JOSE E. ORELLANA  
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/S/ DeeAnn Shupe  
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DeeAnn Shupe

**Order Mailed Date**

**JAN 12 2018**