

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Emergency Suspension of)
Operating Authority of **Lima's Flooring LLC of**)
Olathe, Kansas, for Failure to Comply with New) Docket No. 18-TRAM-489-OOS
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. 2017 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. 2017 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. 2017 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. 2017 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. Lima's Flooring LLC is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Lima's Flooring LLC is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2995288.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Lima's Flooring LLC's New Entrant Registration had been revoked effective May 7, 2018, for failure to comply with safety requirements.

7. Pursuant to the above authority, on May 15, 2018, the Commission entered an Emergency Suspension of Operating Authority Order on Lima's Flooring LLC in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On July 16, 2018, 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 Lima's Flooring 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. 2995288 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 Lima's Flooring LLC's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Lima's Flooring LLC because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

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

THE COMMISSION THEREFORE ORDERS THAT:

(A) Lima's Flooring 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) Lima's Flooring LLC remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on May 15, 2018, and provide proof of attendance to Litigation Counsel.

(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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 07/26/2018

A handwritten signature in cursive script, reading "Lynn M. Retz". The signature is written in dark ink and is positioned above a horizontal line.

Lynn M. Retz
Secretary to the Commission

AAL



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

1200 New Jersey Ave., S.E.
Washington, DC 20590
July 13, 2018

LUCAS LIMA
OWNER
LIMA'S FLOORING LLC
1590 W MULBERRY ST
OLATHE, KS 66061-2571

In reply refer to:
USDOT Number: 2995288

Action Required: Call to schedule a Safety Audit.

According to Federal Motor Carrier Safety Administration's (FMCSA) records thirty days have elapsed since LIMA'S FLOORING LLC's USDOT New Entrant registration was revoked on May 7, 2018, and that LIMA'S FLOORING LLC has reapplied in accordance with 49 CFR 385.329. This is to inform LIMA'S FLOORING LLC that LIMA'S FLOORING LLC's reapplication for USDOT New Entrant registration has been approved.

A safety audit has not yet been conducted; LIMA'S FLOORING LLC should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-7189 as soon as possible to schedule a safety audit. In accordance with 49 CFR section 385.337, failure to permit a safety audit to be performed may result in the revocation of LIMA'S FLOORING LLC's USDOT New Entrant registration and LIMA'S FLOORING LLC's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b) (2) (A), as adjusted by inflation.

LIMA'S FLOORING LLC's 18-month new entrant safety monitoring period restarts as of July 13, 2018. FMCSA will continue to monitor and evaluate LIMA'S FLOORING LLC's safety management practices and on-road performance to ensure LIMA'S FLOORING 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 LIMA'S FLOORING LLC's USDOT New Entrant or permanent registration.

LIMA'S FLOORING LLC's USDOT number can be found in the upper right hand corner of this letter. This USDOT number should be marked on commercial motor vehicles operated by LIMA'S FLOORING LLC as required by 49 CFR section 390.21. A copy of the FMCSRs, including this regulation, may be found on the FMCSA web site, <http://safer.fmcsa.dot.gov>.

Sincerely,

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

CERTIFICATE OF SERVICE

18-TRAM-489-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 07/27/2018.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

LUCAS LIMA, OWNER
LIMA'S FLOORING LLC
1590 W MULBERRY ST
OLATHE, KS 66061-2571

/S/ DeeAnn Shupe

DeeAnn Shupe