

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the Matter of the Investigation of **BC**)
Technologies d/b/a Long Arm Cycles, of)
Hoyt, Kansas, Regarding the Violation of) Docket No. 24-TRAM-709-PEN
the Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's)
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.

ORDER APPROVING UNANIMOUS SETTLEMENT AGREEMENT

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. BC Technologies d/b/a Long Arm Cycles (Long Arm Cycles or Carrier) is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 3981212.
2. On May 3, 2024, a Staff Special Investigator (SI) conducted a compliance review on Carrier's motor carrier operations. As a result of the review, the SI identified one (1) violation, accounting for one (1) count, of the Motor Carrier Safety Regulations.
3. On May 14, 2024, the Commission issued a Penalty Order in this docket assessing a \$350 civil penalty against Carrier.
4. On May 19, 2024, the Carrier filed a Request for Hearing.

5. On May 29, 2024, and in subsequent correspondence thereafter, a representative for Carrier and Ahsan Latif, Litigation Counsel for Commission Staff (Staff), informally discussed the possibility of a settlement. During the informal discussions, Staff and Carrier were able to reach mutually agreeable terms in anticipated settlement of the issues. It was agreed that Staff would subsequently reduce the terms to writing and forward the draft to Carrier for approval and signature.

6. On June 6, 2024, Staff filed a Joint Motion for Approval of Unanimous Settlement Agreement. The Unanimous Settlement Agreement is attached to this Order as **Attachment A**.

7. In the Unanimous Settlement Agreement, Staff agreed to reduce the \$350.00 civil penalty to \$0.00.

8. Carrier agreed to withdraw its Request for Hearing before the Commission.

9. Carrier agreed that it remains obligated under the terms of the May 14, 2024 Penalty Order to allow at least one follow-up safety compliance review that will be conducted within 18 months from the date the Penalty Order was issued. Staff will contact Carrier at a later date to determine an appropriate time for this review.

II. FINDINGS AND CONCLUSIONS

10. The Commission concludes that pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, 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.

11. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, 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.

12. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes that the entity is in violation of the law or any order of the Commission.

13. The Commission concludes that settlements are favored by the law. *Bright v. LSI Corp.*, 254 Kan. 853, 869 P.2d 686 (1994). A settlement of issues, all or part, with or without unanimous agreement, will be entertained by the Commission.

14. The Commission has reviewed the Unanimous Settlement Agreement attached to the Joint Motion for Approval of Unanimous Settlement Agreement of the parties and concludes that the terms and provisions therein are an appropriate and reasonable disposition of this matter. The Commission therefore adopts and incorporates by reference the terms of the Agreement.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Joint Motion for Approval of Unanimous Settlement Agreement entered into between BC Technologies d/b/a Long Arm Cycles and Transportation Staff is hereby granted. The terms of the Stipulated Settlement Agreement are approved and are hereby incorporated by reference.

B. The \$350.00 civil penalty ordered in the May 14, 2024, Penalty Order shall be reduced to \$0.00.

C. BC Technologies d/b/a Long Arm Cycles's Request for Hearing is withdrawn. The Carrier shall continue to, when applicable, comply with Kansas law governing the regulation of

motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

D. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 06/11/2024



Lynn M. Retz
Executive Director

AAL

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

ATTACHMENT “A”

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation **BC**)
Technologies d/b/a Long Arm Cycles, of Hoyt,)
Kansas, Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 24-TRAM-709-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

UNANIMOUS SETTLEMENT AGREEMENT

This Unanimous Settlement Agreement (Agreement) is entered into by and between the Staff of the Corporation Commission of the State of Kansas (Staff and Commission, respectively), and BC Technologies d/b/a Long Arm Cycles (Long Arm Cycles or Carrier). Its effective date will be the date the Commission enters an order approving or amending the terms of the Agreement.

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 and as adopted by K.A.R. 82-4-3f, 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. 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. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Long Arm Cycles is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 3981212.

5. On May 3, 2024, a Staff Special Investigator (SI) conducted a compliance review on Carrier's motor carrier operations. As a result of the review, the SI identified one (1) violation, accounting for one (1) count, of the Motor Carrier Safety Regulations.

6. On May 14, 2024, the Commission issued a Penalty Order in this docket assessing a \$350 civil penalty against Carrier.

7. On May 19, 2024, the Carrier filed a Request for Hearing.

8. On May 29, 2024, and in subsequent correspondence thereafter, a representative for Carrier and Ahsan Latif, Litigation Counsel for Staff, informally discussed the possibility of a settlement. During the informal discussions, Staff and Carrier were able to reach mutually agreeable terms in anticipated settlement of the issues. It was agreed that Staff would subsequently reduce the terms to writing and forward the draft to Carrier for approval and signature.

III. TERMS OF THE UNANIMOUS SETTLEMENT AGREEMENT

9. The parties agree that the Commission has jurisdiction and authority over this matter.

10. The parties also agree that adoption of this Agreement is in the public interest and that the Commission should approve the stipulations as set forth below.

11. Carrier stipulates to the violations as listed in the Commission's Penalty Order, which are hereby incorporated by reference.

12. Carrier agrees to operate commercial motor vehicles subject to the Commission's jurisdiction in a safe manner.

13. Staff agrees to recommend to the Commission that this Agreement be approved. Staff further agrees that upon approval by the Commission this Agreement shall constitute a final resolution of this matter.

14. Pursuant to K.S.A. 77-504, the Carrier waives all rights to a hearing on, or appeal of the Invoice, and withdraws its request for a hearing previously filed herein.

15. Pursuant to K.S.A. 77-526, the Commission expressly reserves and maintains the right and authority to enforce the terms of this Agreement.

IV. MODIFICATION OF EXAMINATION AND INVOICE

16. Staff agrees to reduce the \$350.00 civil penalty to \$0.00.

17. Staff's recommendation for reduction of this civil assessment is based upon the specific circumstances of the alleged violation as well as the Carrier's efforts to remediate the violation and attempts to ensure compliance.

18. Carrier agrees to withdraw its Request for Hearing before the Commission.

19. Carrier shall, when applicable, comply with Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

20. Carrier agrees that it remains obligated under the terms of the May 14, 2024, Penalty Order to allow at least one follow-up safety compliance review that will be conducted within 18

months from the date the Penalty Order was issued. Staff will contact Carrier at a later date to determine an appropriate time for this review.

V. RESERVATIONS

21. This Unanimous Settlement Agreement fully resolves issues specifically addressed between the parties. The terms of this Agreement constitute a fair and reasonable resolution of the issues addressed herein.

A. Negotiated Settlement

22. This Agreement represents a negotiated settlement that fully resolves the issues raised in this proceeding. The Signatories represent that the terms of this Agreement constitute a fair and reasonable resolution of the issues addressed herein. Except as specified herein, the Signatories shall not be prejudiced, bound by, or affected in any way by the terms of this Agreement: (1) in any future Commission or court proceeding; (2) in any proceeding currently pending before the Commission under a separate docket; and/or (3) in this proceeding, if the Commission decides not to approve this Agreement in total or in any way conditions its approval of the same. This paragraph is not meant to limit future enforcement of this Agreement, should either party fail to fulfill all terms and provisions

B. Interdependent Provisions

23. The terms and provisions of this Agreement have resulted from negotiations between the Signatories and are interdependent. In the event the Commission does not approve the terms of the Agreement in total, or materially changes the Agreement terms, the Agreement shall be voidable and no Signatory Party hereto shall be bound by, prejudiced, or in any way affected by any of the terms or provisions hereof, unless otherwise provided herein.

CERTIFICATE OF SERVICE

24-TRAM-709-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 06/11/2024.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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/S/ KCC Docket Room
KCC Docket Room