

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

In the Matter of the Investigation of **Charles Harness,**)
of Highland, Kansas, Regarding the Violation(s) of the)
Motor Carrier Safety Statutes, Rules and Regulations)
and the Commission's Authority to Impose Penalties,) Docket No. 23-TRAM-112-PEN
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 Charles Harness (Carrier). In support of its Motion, Staff states as follows:

1. On August 12, 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 August 18, 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 his truck needs repairs and he has not operated in two years. Carrier also requested its USDOT number be inactivated. As a result Staff inactivated Carrier's USDOT Number.

4. Staff after reviewing available records determined that Carrier had not been found operating in 2022. Staff also inactivated Carrier's USDOT Number. Staff therefore determined the Penalty Order issued for not paying their 2022 UCR fees should be vacated.

¹ Staff's R&R, p. 1 (Aug. 12, 2022).

5. Therefore, based on the facts stated above, Staff requests the Commission vacate the Penalty Order issued to Carrier on August 18, 2022.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission vacate the Penalty Order issued to Charles Harness in this docket on August 18, 2022.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

CERTIFICATE OF SERVICE

23-TRAM-112-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion to Vacate Penalty Order was served via First Class US Mail and electronic service this 12th day of September, 2022, to the following:

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