

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

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of the Investigation of **Fierros**)
Trucking, of Ulysses, Kansas, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 22-TRAM-130-PEN
Authority to Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

**ORDER GRANTING STAFF'S MOTION TO REINSTATE MOTOR CARRIER
OPERATIONS AND VACATE PENALTY ORDER**

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

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 66-1,111, 66-1,112g, and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 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. 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.

II. FINDINGS OF FACTS

3. Fierros Trucking (Carrier) is a motor carrier as defined by 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, which purported to operate commercial motor vehicles in interstate commerce under the USDOT Number 3273661.

4. On September 14, 2021, Commission Staff UCR Manager Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for years 2020 and 2021. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.¹

5. On September 21, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for one (1) violation of 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.²

6. On November 30, 2021, Transportation Staff filed a Motion to Suspend Carrier's Intrastate Motor Carrier Operations due to its failure to comply with the Commission's Penalty Order.

7. On December 7, 2021, the Commission issued an Order Suspending Motor Carrier Operations of Carrier.

8. On January 24, 2022, Carrier communicated with Staff stating they only operate intrastate.

¹ Staff's R&R, p. 1 (Sep. 14, 2021).

² Penalty Order in Docket No. 22-TRAM-130-PEN, ¶5.

9. On January 25, 2022, Transportation Staff filed its Motion to Reinstate Motor Carrier Operations and Vacate Penalty Order recommending the Commission both reinstate Carrier's motor carrier operations and vacate the Penalty Order.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Fierros Trucking because Carrier is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

11. The Commission further finds that Carrier did not operate interstate.

12. Therefore the Commission concludes it is appropriate to reinstate Carrier's motor carrier operations and vacate the Penalty Order issued September 21, 2021.

THE COMMISSION THEREFORE ORDERS THAT:

A. Fierros Trucking's intrastate motor carrier operations is hereby reinstated.

B. The Penalty Order issued to Fierros Trucking on September 21, 2021 is hereby vacated.

C. 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).³

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 02/01/2022



Lynn M. Retz
Executive Director

AAL

³ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 02/01/2022.

Cesar Ivan Fierro Amaya, MEMBER
Fierros Trucking LLC
817 S Cheyenne St
Ulysses, KS 67880
jr-fierro@icloud.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe