

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

In the Matter of the Investigation of **Logistics**)
Two, LLC of Goddard, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 19-TRAM-328-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION FOR ORDER AMENDING PENALTY ASSESSMENT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, Ahsan A. Latif, files this Motion requesting the Commission issue an Order Amending Penalty Assessment reducing the penalty assessed to Logistics Two, LLC (Logistics Two), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated February 26, 2019. In support of its Motion, Staff states as follows:

1. On February 26, 2019, a Penalty Order was issued to Logistics Two assessing it a penalty of \$2,600 for four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted on December 18, 2018, by Special Investigator Doug Handy.

2. The Notice of Penalty Assessment advised Logistics Two it was a New Entrant carrier and may be eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

3. On March 12, 2019, Logistics Two submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by

Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

4. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Logistics Two a 50% reduced penalty of \$1,300 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated February 26, 2019, Logistics Two shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order, Logistics Two must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, Logistics Two must make the payment of \$1,300 through the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

WHEREFORE, for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Logistics Two, LLC a reduced penalty of \$1,300 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,



Ahsan A. Latif, S. Ct. #24709
Litigation Counsel
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
Phone: 785-271-3118
Fax: 785-271-3167
Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

VERIFICATION

19-TRAM-328-PEN

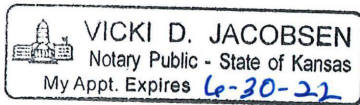
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion for Order Amending Penalty Assessment*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 13th day of March, 2019.





Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

19-TRAM-328-PEN

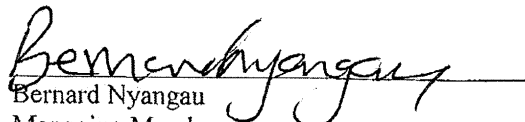
Logistics Two, LLC (Logistics Two) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated February 26, 2019. Logistics Two has agreed to comply with the following terms and obligations:

1. Logistics Two has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Logistics Two will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Logistics Two will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Logistics Two will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Logistics Two, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$1,300, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Logistics Two will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 3/7/2019 day of _____, 2019.

Logistics Two, LLC


Bernard Nyangau
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

19-TRAM-328-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Assessment was served via electronic service this 12th day of March, 2019, to the following:

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

BERNARD NYANGAU, MANAGING MEMBER
LOGISTICS TWO, LLC
1505 E SUNSET CT
GODDARD, KS 67052
nyanguin@yahoo.com



Vicki Jacobsen