BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Investigation of William J.) Hendricks d/b/a KAN-COL-TEC, of Garden City,) Kansas, Regarding the Violation(s) of 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.)

Docket No. 23-TRAM-122-PEN

STAFF'S MOTION TO VACATE PENALTY ORDER

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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 William J. Hendricks d/b/a KAN-COL-TEC (Carrier). In support of its Motion, Staff states as follows:

1. On August 16, 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 23, 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 that Carrier has been out of business since April of 2021 and upon receiving the penalty took steps to inactivate its USDOT number. Carrier provided Staff with evidence demonstrating the USDOT number had been inactivated.

4. Staff after reviewing available records determined that Carrier had not been found operating in 2022. 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. 16, 2022).

5. Therefore, based on the facts stated above, Staff requests the Commission vacate the Penalty Order issued to Carrier on August 23, 2022.

WHEREFORE, for the reasons stated above, Staff respectfully requests the Commission vacate the Penalty Order issued to William J. Hendricks d/b/a KAN-COL-TEC in this docket on August 23, 2022.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

CERTIFICATE OF SERVICE

23-TRAM-122-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 U.S. Mail and electronic service this 12th day of September, 2022, to the following:

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

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Murphy