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Kansas Corporation
Commission
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<http://kcc.ks.gov/>

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
25-TRAM-148-PEN

October 15, 2024
Bruce Ball, Owner
Rural Gas Inc
PO Box 26
Belleville, Kansas 66935

This is a notice of a penalty assessment against Rural Gas Inc (Rural Gas) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted August 15, 2024, by a Kansas Corporation Commission Special Investigator. Penalties are assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Rural Gas has been assessed an \$850 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$850, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Rural Gas to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Rural Gas must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$850 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
ahsan.latif@ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

**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 **Rural Gas**)
Inc, of Belleville, Kansas. Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission’s) Docket No. 25-TRAM-148-PEN
Authority to Impose Penalties, Sanctions and/or)
the Revocation of Motor Carrier Authority.)

PENALTY ORDER

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

1. Pursuant to K.S.A 66-1,108b, 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. Part 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.

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.

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.

4. On August 15, 2024, a Commission Staff (“Staff”) Special Investigator (“SI”) completed a safety compliance investigation of the operations of Rural Gas Inc (Rural Gas or Carrier). Rural Gas is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 964697. As a result of the safety compliance investigation, the SI identified eight (8) violation(s), set forth in three (3) count(s), of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix.²

5. On August 30, 2024, Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$850 to be issued to Rural Gas based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that

6. The Commission finds it has jurisdiction over Rural Gas pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

7. Specifically, the Commission finds that Rural Gas committed eight (8) violations of the following three (3) count(s), discussed more fully in Staff’s R&R:

- a. Count 1: On July 10 and August 15, 2024, Rural Gas was operating commercial motor vehicles, including a 1998 Kenworth truck, 2005 Kenworth truck, a 2006 Kenworth and a 2018 Neville trailer, without first obtaining proper commercial registration, which resulted in four (4) violations of K.S.A. 8-142 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

² Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (June 27, 2024) (“Penalty Matrix”).

The Commission finds that Staff's recommendation of a \$500 civil penalty is appropriate and in accordance with the current Penalty Matrix.

b. Count 2: On August 15, 2024, Carrier's owner, Bruce Ball, was designated as the individual to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. Mr. Ball had failed to undergo reasonable suspicion testing, which involved receiving 60 minutes or training for alcohol and/or 60 minutes of training for controlled substances. This resulted in one (1) violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. The Commission finds that Staff's recommendation of a \$100 civil penalty is appropriate and in accordance with the current Penalty Matrix.

c. Count 3: As of August 15, 2024, Rural Gas had failed to conduct annual inquiries into drivers Bruce Ball, Brett Spear and Michael Svoboda, with the Federal Drug and Alcohol Clearinghouse (DACH) in the previous year, which resulted in three (3) violations of 49 C.F.R. 382.701(b)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. The Commission finds that Staff's recommendation of \$250 civil penalty is appropriate and in accordance with the current Penalty Matrix.

8. The Commission finds Rural Gas committed eight (8) violation(s), set forth in three count(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, and is therefore subject to fines totaling \$850.

9. Accordingly, the Commission finds that Rural Gas is required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance.³ A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm. The Commission further finds that Rural Gas shall submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.⁴ Finally, the Commission finds that Rural Gas shall submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.⁵

10. Failure to comply with the requirements of this Penalty Order shall result in suspension of Rural Gas' motor carrier operating authority without further notice.⁶

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Rural Gas is hereby assessed a \$850 civil penalty for eight (8) violation(s), set forth in three (3) count(s), 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.

B. Rural Gas is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from

³ See Staff's Report and Recommendation, p.3 (Aug. 30, 2024).

⁴ *Id.*

⁵ *Id.*

⁶ K.S.A. 66-1,105.

the date of this Order, and is to timely provide Litigation Counsel with written proof of attendance within five (5) business days of completing the safety seminar.

C. Rural Gas is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this Penalty Order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Rural Gas is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at time agreeable to Staff.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Rural Gas' right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is

in the public interest.⁷ For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.⁸

G. If you do not request a hearing, the payment of the civil penalty of \$850 is due in thirty (30) days from the date of service of this Order. Payment of \$850 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$850 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of Ordering Clauses A through D, above, will result in suspension of Rural Gas' motor carrier operating authority without further notice.⁹ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/15/2024



Lynn M. Retz
Executive Director

AAL

⁷ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁸ K.S.A. 66-1,142b(e) and amendments thereto.

⁹ K.S.A. 66-1,105.

ATTACHMENT “A”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Jared Smith, Deputy Director of Transportation

DATE: August 30, 2024

SUBJECT: Docket No. 25-TRAM-148-PEN
In the Matter of the Investigation of **Rural Gas Inc of Belleville, Kansas**
Regarding the Violation of the Motor Carrier Rules and Regulations and the
Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority

EXECUTIVE SUMMARY:

Rural Gas Inc. (Rural Gas) is a motor carrier (MC) possessing private operating authority from the Commission, primarily hauling farm supplies, liquids, gases, and chemicals. Rural Gas operates under USDOT 964697. On August 15, 2024, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Rural Gas. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified eight (8) violation(s), set forth in three (3) specific count(s), of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends a penalty of \$850 be issued to the MC.

DISCUSSION AND ANALYSIS:

On August 22, 2024, a Commission Staff SI conducted a safety compliance investigation of the operations of Rural Gas. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 3)

Authority: K.S.A. 66-1,111 and 66-1,129.

Intent of Law: The MC must obtain a proper commercial registration for its commercial motor vehicles.

Supporting Documents: On July 10, 2024 Rural Gas required or permitted its driver, Bret Spear, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2006 Kenworth truck, VIN ending in 4335, GVWR 51,586 lbs., pulling a 2006 Neville trailer, VIN ending 5653, in intrastate commerce within Belleville, Kansas. This transport is evidenced by Rural Gas ticket D1209, as well as Brett Spear's timecard, attached hereto as **Exhibit 2**. The MC was unable to provide evidence of commercial registration for the commercial motor vehicles involved in this transport.

Violation Rural Gas failed to obtain proper commercial registration for its commercial motor vehicles before conducting operations (**Exhibit 1, Page 3**). This is a violation 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h and K.S.A. 8-142. Four (4) violations of this regulation were discovered (**Exhibit 1, Page 10**).

Recommendation: Staff recommends a fine of \$500, as determined by the KCC uniform penalty assessment table.

Count Two (2 of 3)

Authority: K.S.A. 66-1,111 and 66-1,129.

Intent of Law: The MC must designate an individual to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. The designated individual must undergo reasonable suspicion training that includes 60 minutes of alcohol training and 60 minutes of controlled substance training. The MC must retain documentation of such training pursuant to 49 C.F.R. 382.401(b) and failure to produce such documentation constitutes a failure to conduct the required training.

Supporting Documents: On February 8, 2024 Rural Gas required or permitted its driver, Michael Svoboda, to operate a CDL-required CMV, a 2024 Kenworth truck, VIN ending in 9158, GVWR 33,000 lbs., in intrastate commerce in and around Belleville, Kansas. This transport is evidenced by Driver Vehicle Examination Report No. KSHP04002193, attached hereto to as **Exhibit 3**. The MC was unable to provide evidence of the completion of the required training.

Violation: Rural Gas failed to ensure person designated to determine that drivers undergo reasonable suspicion testing received 60 minutes training for alcohol and/or 60 minutes of training for controlled substances (**Exhibit 1, Pages 3 to 4**). This is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c. One (1) Violation of this regulation was discovered (**Exhibit 1, Page 10**).

Recommendation: Staff recommends a fine of \$100, as determined by the KCC uniform penalty assessment table.

Count Three (3 of 3)

Authority: K.S.A. 6-1,111 and 66-1,129.

Intent of Law: The MC must conduct an annual inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse.

Supporting Documents: This violation took place during the transport described in Count Two, above. The MC's DACH report attached hereto to as **Exhibit 4**. The most recent annual query completed for Mr. Svoboda was on March 14, 2022, which was over a year prior to this transport.

Violation: Rural Gas failed to conduct annual queries into its drivers in the FMCSA DACH (**Exhibit 1, Pages 4**). This is a violation of 49 C.F.R. 382.701(b) (1), adopted by K.A.R. 82-4-3c. Three (3) violations of this regulation were discovered (**Exhibit 1, Page 10**).

Recommendation: Staff recommends a fine of \$250, as determined by the KCC uniform penalty assessment table.

RECOMMENDATION:

Transportation Staff recommends the Commission find committed eight (8) violation(s), set forth in three (3) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$850 for eight (8) violation(s) of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Rural Gas Inc. require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

Finally, Staff recommends that submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 964697
MC/MX#:

Legal: RURAL GAS INC
Operating (DBA):

Investigation Date:
08/22/2024

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)
Extent of Operations: Entire Operation

Physical Address

NORTH 201 M STREET
BELLEVILLE, KS 66935
United States

Mailing Address

PO Box 26
Belleville, KS 66935
United States

Contact Information

Contact Name: Bruce Ball
Email: Ruralgas@hckcn.com
Phone: (785)527-2441 **Cell:** (785)527-0792 **Fax:** () -

Business and Financial

Business Type: Corporation
Name of Gross Revenue Provider: Bruce Ball
Title of Gross Revenue Provider: President
Gross Revenue: ██████████ **For Year Ending:** 11/30/2023
Federal Tax ID: ██████████

Operation Classification and Type

Type of Operation: HM Intrastate Carrier, HM Intrastate Shipper

Cargo

Farm Supplies, Liquids/Gases, Chemicals

Operation Classification

Private Motor Carrier
Property – Hazardous Materials

Hazardous Materials

Which of the following hazardous materials requiring a Safety Permit does the company transport?

None

Does the company have a satisfactory security program in place as required in 49 CFR Part 385, Subpart E?

Is an HM Permit required by any State?

No

Hazardous Materials

Div 2.1 LPG (Liquefied Petroleum Gas) = C, S, B
Div 2.3 A (Poison Gas which is Poison Inhalation Hazard (PIH) Zone A) = C, S, NB
Class 9 Miscellaneous Hazardous Materials = C, S, NB

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
Hazmat Cargo Tank Trucks	3				Intrastate	Interstate
Straight Trucks	1			< 100 Miles	3	
Truck Tractors	2			>= 100 Miles		
Hazmat Cargo Tank Trailers	27			Average trip leased driver/month: 0 Drivers with CDL: 3 Total Drivers: 3		
Trailers	2					
Power units used in the U.S.: 6 Percentage of time used in the U.S.: 100%						

Person(s) Interviewed

Name: Bruce Ball

Title: President

Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:	1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378
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This report will be used to assess your safety compliance.

Violations

1. Primary: 392.2

Secondary: 8-142

The MC must obtain a proper commercial registration for its commercial motor vehicle.

Example/Notes:

Trip Date: 7/10/2024

Driver - Bret Spear

Unit 06 KW & Neville 5653

The company failed to obtain proper registration for their vehicles.

Violations Discovered

Fed	State	Total
	4	4

Checked

Fed	State	Total
	5	5

Drivers/Vehicles in Violation

Fed	State	Total
	4	4

Checked

Fed	State	Total
	5	5

2. Primary: 382.305(I)

Failing to require a driver to proceed to a collection site immediately after notification of selection for random testing.

Example/Notes:

Driver name, Bruce Ball

Time notified, 7/8/2024

Time sample submitted, Hasn't been completed yet.

Trip date. 7/26/2024

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

3. Primary: 382.603

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name; Michael Svoboda

Trip date, 2/8/2024

Supervisor/Company official not trained.; Bruce Ball

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

4. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Example/Notes:

Driver: Michael Svoboda

trip Date: 2/8/2024

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Safety Fitness Rating

This Investigation is Not Rated

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

The company failed to do the annual query on its drivers.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
2. Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.

Recommendations

1. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

2. **For All Investigations Not Un-Sat**

For all Investigations:

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a Notice of Claim:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

3. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

4. **Employers are responsible for the compliance of 49 CFR Part 40.**

Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.

5. **Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

6. **Alcohol Testing**

Ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.

7. **Random Test Selections**

After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.

8. **Reasonable Suspicion Training**

Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.

9. **Clearinghouse Driver Consent**

Ensure driver consent has been obtained and is on file before conducting a limited query.

10. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

11. **Clearinghouse Pre-employment Query**

Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.

12. **All investigations signature page**

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: jared.L.smith@ks.gov FAX: 785-271-3124 or mail: Kansas Corporation Commission Attn: Jared Smith 1500 SW Arrowhead Rd Topeka, KS 66604-4027

Failure to submit the plan & attend a KCC safety presentation within 30 days of the closing of the compliance review can result in further penalties in a follow up review. Carrier Bruce Ball Date 8-22-24

I acknowledge that these requirements/violations and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Rural Gas Inc's vehicles operating authority and/or the impoundment of Rural Gas Inc's vehicles.

Signed Bruce Ball Date 8-22-24

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. Carrier

representative: Bruce Bell Date: 8-22-24

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
382.603 - Fail to get "reasonable suspicion" designee 60 min training			
1	07/26/2024	Driver: Bruce Ball	
382.701 (b)(1) - Failing to conduct an annual query.			
1	08/15/2024	Driver: Bruce Ball	
2	08/15/2024	Driver: Brett Spear	
3	08/15/2024	Driver: Michael Svoboda	
392.2 - The MC must obtain a proper commercial registration for its commercial motor vehicle.			
1	08/15/2024	O6 Kenworth	
2	08/15/2024	O5 Kenworth	
3	08/15/2024	98 Kenworth	
4	08/15/2024	18 Neville	
382.305(l) - Failing to require a driver to proceed to a collection site...			
1	07/26/2024	Driver: Bruce Ball	

Exhibit 2

Rural Gas, Inc.

201 Main ST
Belleville, KS 66935

DELIVERY TICKET SHIPPING DOCUMENT

Pickup At:

Deliver To:

TICKET NO. D1209

RURAL GAS INC
201 NORTH M ST
BELLEVILLE

/31 CUSTOMER NO.

RURAL GAS INC
201 NORTH M ST
BELLEVILLE

/31

SHIP DATE

7-10-24

***^{KS} NO SALE DEALER TRANSFER ***

KS

CUSTOMER ORDER NUMBER	SALES CODE	CREDIT APPROV	TYPED BY	LOADED BY	CHECKED BY	TRUCK/TRAILER NO	DRIVER	
			JA					
NO. OF PKGS.	PKG SIZE	DESCRIPTION				QUANTITY SHIPPED	UNIT	VAR DEST ORDER NO
60	BULK	INTERLINE				60	GAL	
100	BULK	BUCCANEER 5 EXTRA				100	GAL	
65	BULK	BROADAXE XC				65	GAL	
		***** DO NOT LOAD AT DISTRIBUTION CENTER ***** Water H ₂ O				4100	GAL	
QUANTITY	UNIT	HM	HAZARDOUS MATERIAL SHIPPING DESCRIPTION			WEIGHT (LB) SUB TO CORRECTION	GUARANTEED ANALYSIS	
60	GAL		NOT DOT REGULATED			564 LB	TOTAL NIT. _____	
100	GAL		NOT DOT REGULATED			1020 LB	AVAIL P ₂ O ₅ _____	
65	GAL		NOT DOT REGULATED			599 LB	SOL K ₂ O _____	
							S _____, ZN _____	
							SPREAD _____ ACRES	
							AT _____ LBS. PER ACRE	
						CERTIFICATION *This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled, and are in proper condition for transportation, according to the applicable regulations of the Department of Transportation.*		
						<input checked="" type="checkbox"/>		
						INVOICE DATE		
						INVOICE NOS.		
DELIVERY INSTRUCTIONS:						Total Weight in LBS: 36 377		
						SHIP TO PHONE: (785) 527-2441		

REC'D BY:

PRINT:

LATE PAYMENT PENALTY PER MONTH ON PAST DUE ACCOUNTS, ALL ORDERS SUBJECT TO OFFICE APPROVAL, PRICE CHANGE, AND GOODS AVAILABLE. NO MERCHANDISE RETURNS UNLESS AUTHORIZED BY PREVIOUS CORRESPONDENCE.

ORIGINAL

EMERGENCY -- 800-424-9300 -- CHEM TREC # CC23690

TICKET NO. D1209

TIME SHEET

Rural Gas, Inc.
Belleville KS 66935

Week Start Date: 7/7/2024
Week End Date: 7/13/2024

Employee Name: Michael

Day	In	Out	In	Out	In	Out	Hol.	Vac/Sick	Total
Sun									
Mon	8	12	1	5					8
Tues	8	12	1	5					8
7/10 Wed	8	12	1	4:15					7.25
Thur	7	12	1	3					7
Fri	9	10:30							1.5
Sat									

Notes or questions:

Total Hours	31.75
Regular Time Hours	31.75
Overtime Hours	0
Holiday/Vacation Hours	0


Employee Signature 7-12-24
Date

Employee Name: Brett

Day	In	Out	In	Out	In	Out	Hol.	Vac/Sick	Total
Sun									
Mon	8			7:30					11.50
Tues	8			6:45					10.75
7/10 Wed	8			6					10
Thur	7:45			5:15					9.75
Fri	7			5					10
Sat									

Notes or questions:

Total Hours	51.75
Regular Time Hours	40
Overtime Hours	11.75
Holiday/Vacation Hours	0



Employee Signature 7-12-24
Date

EXHIBIT 3

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP04002193
Inspection Date: 02/08/2024
Start: 9:55 AM CT End: 10:35 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk

Carrier: RURAL GAS INC

DBA:
NORTH 201 M STREET
BELLEVILLE, KS, 66935
USDOT: 964697 Phone#: (785)527-2441
MC/MX#: Fax#: (785)527-2441
State#:

Driver: SVOBODA, MICHAEL D
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State:
State:

Location: REPUBLIC COUNTY - 157
Highway: U.S.-81
County:
Email:

Milepost: 225 Shipper: RURAL GAS
Origin: BELLEVILLE,KS Bill of Lading: MSDS
Destination: BELLEVILLE,KS Cargo: PROPANE

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Row 1: 1, TR, FRHT, 2024, KS, [redacted], [redacted], [redacted], 9158, 33000

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, VerifyCrash, Violations Discovered. Rows include citations 390.21TB, 172.600C, and 392.2RG with descriptions of violations.

HazMat: Placard: Yes Cargo Tank: 331

Special Checks: No data for special checks

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.
Signature Of Repairer X: Facility: Date:

**** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **** *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.
Signature Of Motor Carrier X: Title: Date:

Report Prepared By: ID/Badge #:
W.M. V. Meter 0400

Copy Received By:
MICHAEL SVOBODA

X

X



EXHIBIT 4

First Name	Last Name	Country	State	Number	Employer	Conducting QDOT Number	Query Status	Query Result	Query Type	Query Submitted	Query Complete
MICHAEL	SVOBODA	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	3/14/2022
BRETT	SPEAR	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	1/20/2022
TIMOTHY	ISAACSON	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	1/20/2022
BRUCE	BALL	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	1/20/2022
TIMOTHY	ISAACSON	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	12/11/2020
BRETT	SPEAR	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	11/23/2020
BRUCE	BALL	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	11/23/2020
ETHAN	ELWOOD	US	KS		RURAL GAS INC	964697	Completed	Driver Not Prohibited	Limited	Manually	11/23/2020

CERTIFICATE OF SERVICE

25-TRAM-148-PEN

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 10/15/2024.

Bruce Ball, PRESIDENT
Rural Gas Inc
PO Box 26
Belleville, KS 66935
ruralgas@nckcn.com

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

/S/ KCC Docket Room
KCC Docket Room