

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Emergency Suspension of)
Operating Authority of **Jose Gerardo Olivas**)
Castillo, d/b/a Olivas Trucking of Satanta,) Docket No. 20-TRAM-103-OOS
Kansas, for Failure to Comply with New Entrant)
Safety Requirements as Required by the Motor)
Carrier Safety Statutes, Rules and Regulations.)

ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2018 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-1, 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. 2018 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, 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. Pursuant to K.S.A. 2018 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. BACKGROUND

4. Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking is a motor carrier as defined in K.A.R. 82-4-1 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 3290241.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking's New Entrant Registration had been revoked effective September 3, 2019, for failure to comply with safety requirements.

7. Pursuant to the above authority, on September 10, 2019, the Commission entered an Emergency Suspension of Operating Authority Order on Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking in the above-referenced docket, until such time that Staff recommended reinstatement.

III. STAFF'S RECOMMENDATION

8. On September 9, 2019, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 3290241 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking's motor carrier operating authority in Kansas.

IV. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking because it is a motor carrier as defined in K.A.R. 82-4-1.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking's operating authority in Kansas is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking's certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

B. Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating

Authority Order at paragraph B., entered on September 10, 2019, and provide proof of attendance to Litigation Counsel.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

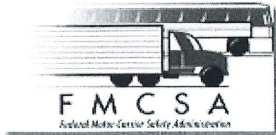
Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 09/12/2019

A handwritten signature in dark ink, appearing to read "Lynn M. Retz", is written above a horizontal line.

Lynn M. Retz
Executive Director

AAL



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Out of Service Records



USDOT Number:	3290241	Company Type:	CARRIER	Status:	ACTIVE
Legal Name / DBA Name:	JOSE GERARDO OLIVAS CASTILLO / OLIVAS TRUCKING				
Physical Address:	515 ZUNI , SATANTA, KS 67870				

OOS Date	State	Rescind Date	Reason Description
09/03/2019		09/06/2019	NEW ENTRANT REVOKED - REFUSAL OF AUDIT/NO CONTACT

Options for this Company ▾



September 09, 2019

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Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-5660 - TTY: 1-800-877-8339 - Field Office Contacts

CERTIFICATE OF SERVICE

20-TRAM-103-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail/hand delivered on 09/13/2019.

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/S/ DeeAnn Shupe
DeeAnn Shupe
