

**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 **Savannah**)
Traders LLC of Overland Park, Kansas,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No.24-TRAM-447-UCR
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.

ORDER GRANTING STAFF'S MOTION TO WAIVE CIVIL FINE

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

1. Pursuant to K.S.A. 66-1,111, 66-1,112 and 66-1,114b, and amendments thereto, 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, 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. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulation (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

4. Savannah Traders LLC, of Overland Park, Kansas (“Carrier”), is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicles in intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 4125696.

6. Pursuant to K.S.A. 66-1,139a and K.A.R. 82-4-30a, motor carriers operating interstate commerce must pay Unified Carrier Registration (UCR) fees annually, by January 1. Carrier failed to pay its 2023 UCR fees by January 1, 2023, as required by 49 C.F.R. 367.40 and adopted by K.A.R. 82-4-30a.

7. On February 20, 2024, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,¹ due to non-compliance with a Penalty Order issued in this docket on December 21, 2023.² The Penalty Order assessed Carrier a \$300 civil fine to Carrier for failing to pay its 2023 UCR fees by January 1, 2023, as required by 49 C.F.R. 367-40 and adopted by K.A.R. 82-4-30a. The Commission’s Penalty Order is incorporated herein by reference and made a part of this Order.

8. On November 20, 2024, Carrier contacted Staff regarding the Penalty Order and Carrier’s unpaid UCR fees. Carrier stated that although a USDOT Number had been obtained, Carrier had not conducted any operations. The Carrier requested its USDOT Number be inactivated.

¹ Order Suspending Intrastate Motor Carrier Operations (Feb. 20, 2024).

² See Penalty Order, (Dec. 21, 2023).

9. Staff inactivated the Carrier's USDOT Number. Additionally, after a review of records, Staff could not find evidence the Carrier had operated in interstate commerce.

10. Staff determined that the Commission should waive the \$300 civil fine. Staff requested no action be taken on the February 20, 2024, Order Suspending Intrastate Motor Carrier Operations should the Carrier decide to reactivate its USDOT sometime in the future.

11. On November 20, 2024, Staff filed its Motion to Waive Civil Fine.

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

13. Based on the facts in the record, the Commission finds that Staff's recommendation to waive the \$300 civil fine to be reasonable.

14. The Commission concludes that Carrier did not operate in interstate commerce and therefore the \$300 civil fine issued in the December 21, 2023, Penalty Order should be waived.

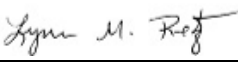
THE COMMISSION THEREFORE ORDERS THAT:

A. The \$300 civil fine in the Penalty Order issued to Savannah Traders on December 21, 2023 is hereby waived.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/26/2024



Lynn M. Retz
Executive Director

AAL

CERTIFICATE OF SERVICE

24-TRAM-447-UCR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/26/2024.

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

CHARLES MULENGO, MANAGING MEMBER
SAVANNAH TRADERS LLC
12140 S PFLUMM ROAD APT 14105
OLATHE, KS 66062-8614
mulengo@savannahtraders.com

/S/ KCC Docket Room
KCC Docket Room