

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

In the Matter of the Investigation of **Kelley & Son Trucking Inc of Ottawa, Kansas,**)
Regarding the Violation 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. 24-TRAM-314-PEN

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Kelley & Son Trucking Inc of Ottawa, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2948006.
3. On November 2, 2023, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$250 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Jared Smith on August 3, 2023.
4. The Carrier was served with the Penalty Order via certified mail, return receipt requested, on November 6, 2023. A Proof of Service was filed in this docket on February 7, 2024. The Carrier had 30 days from the date served to pay the civil penalty of \$250.

5. Carrier was sent a collection letter on December 13, 2023, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto.

6. As of February 7, 2024, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

7. Staff asks the Commission find that Carrier's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

8. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$250, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier.

Respectfully submitted,

/s/ Ahsan A. Latif

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For Commission Staff

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

Laura Kelly, Governor

December 13, 2023

Kelley & Son Trucking Inc
3068 Nevada Terrace
Ottawa, KS 66067

Re: Docket No. 24-TRAM-314-PEN
In the Matter of the Investigation of **Kelley & Son Trucking Inc of Ottawa, 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.

On 11/2/2023, a Penalty Order was issued against Kelley & Son Trucking Inc for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$250.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you. Please remit payment of \$250 through your personal account in the Kansas Corporation Commission's KTRAN application 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. **Payment must be made within the next 10 days.**

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call me at 785-271-3118.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
a.latif@kcc.ks.gov

CERTIFICATE OF SERVICE

24-TRAM-314-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of first class mail and electronic service on February 8, 2024.

Peggy Davis, OWNER
Kelley & Son Trucking Inc.
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Ottawa, KS 66067
pdavis12363@yahoo.com

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/S/ Kiley McManaman
Kiley McManaman
