

**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 Application of SMOKY HILL AG)
LLC, of HEALY KS, Seeking Authority for a Certificate of) Connected to
Public Service. database24-TRAM-5072-TRA
)

**ORDER DISMISSING APPLICATION
FOR CERTIFICATE OF PUBLIC SERVICE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, and being fully advised in the premises, the Commission finds the following:

I. JURISDICTION

1. Pursuant to K.S.A. 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 license, supervise and regulate public and private motor carriers in this state to the full extent not preempted by federal law.

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 66-1,115a and 66-1,119, the Commission has the power and authority to authorize a change in a motor carrier's service.

II. STAFF'S FINDING OF FACTS

4. Pursuant to K.A.R. 82-4-32, each applicant filing an application for an intrastate common carrier certificate shall provide the Commission with all information required to complete the application within 30 days of the original filing date or the application may be dismissed without further notice.

5. SMOKY HILL AG LLC submitted an application for a Certificate of Public Service to the Kansas Corporation Commission on 01/15/2024.

6. On 01/15/2024, and , Commission Staff (Staff) forwarded notices of incomplete application status to SMOKY HILL AG LLC. SMOKY HILL AG LLC has failed to present the following items to the Commission as required to complete the application process:

1. Liability Insurance(Form E)

7. SMOKY HILL AG LLC failed to properly complete the application and, therefore, is unable to demonstrate that it is in compliance with the Commission's regulations and other applicable state laws.

III. STAFF'S RECOMMENDATION

8. Due to SMOKY HILL AG LLC's failure to provide the requested items resulting in an incomplete application, Staff recommends the Commission dismiss its application for Certificate of Public Service, pursuant to K.A.R. 82-4-32.

IV. CONCLUSIONS OF LAW

9. Based upon the available facts, the Commission finds that Staff's request to dismiss the application of SMOKY HILL AG LLC for Certificate of Public Service, is reasonable under the circumstances.

THEREFORE, THE COMMISSION ORDERS:

(A) The application of SMOKY HILL AG LLC of HEALY KS, for a Certificate of

Public Service is dismissed.

(B) This Order constitutes a summary order, pursuant to K.S.A. 77-537, and is subject to a party's request for a hearing. A party may request a hearing on the above issues by serving a written request for hearing on the Commission's Transportation Division at 1500 SW Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days of the date of service of this Order. If service is by mail, service is complete upon mailing, but three (3) days shall be added to the allowed time. If a hearing is not requested, the Order shall become effective upon the expiration of the time for requesting a hearing. Moreover, upon being served with this Order, a party may waive its right to a hearing.¹ The Order shall become effective upon such waiver.

(C) A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, but three (3) days shall be added to the above time frame.²

(D) A corporation shall appear before the Commission by a Kansas licensed attorney.³

(E) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

APR 23 2024

Dated: _____



Lynn M. Retz
Executive Director

¹ K.S.A. 77-504.

² K.S.A. 66-118b; K.S.A. 77-529(a)(1).

³ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).