THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners:	Shari Feist Albrecht, Chair Jay Scott Emler Dwight D. Keen

In the Matter of the Application of RICK HARDESTY, of SALINA KS, for the Abandonment of Certificate of Public Service.	)))	19-TRAM-5044-TRA

ORDER GRANTING REQUEST FOR ABANDONMENT
FOR CERTIFICATE OF PUBLIC SERVICE

The above entitled matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

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. On or about January 4, 2019, ERIN KRAISINGER of RICK HARDESTY, of SALINA, KS, submitted a written Request for Abandonment of Certificate of Public Service identified by USDOT ID 1248677. The written request explained that RICK HARDESTY is Out of business.)

5. RICK HARDESTY's Certificate of Public Service issued by the Commission on November 5, 2008, authorized operation as a common motor carrier in the transportation of general commodities, other than household goods, passengers or hazardous materials, in intrastate commerce as authorized by K.S.A 66-1,114b.

6. Commission Staff (Staff) has examined its files and records and has not located evidence of unresolved safety concerns, violations or civil penalties associated with the motor carrier's current certificate.

III. STAFF'S RECOMMENDATION

7. Staff recommends that the Commission grant RICK HARDESTY Request for Abandonment of Certificate of Public Service identified by USDOT Number 1248677.

IV. CONCLUSIONS OF LAW

8. Based upon the available facts, the Commission finds that Staff's recommendation to grant RICK HARDESTY's Request for Abandonment of Certificate of Public Service, is reasonable under the circumstances.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) RICK HARDESTY's Request for Abandonment of Certificate of Public Service is hereby granted.

(B) The common operating authority certificate issued to RICK HARDESTY on November 5, 2008, identified by USDOT Number 1248677, is hereby cancelled.

(C) 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.

(D) 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]

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

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: JAN 10 2019

Lynn M. Retz
Secretary to the Commission

[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).