

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. NO LIMITS EXCAVATING LLC submitted an application for a Certificate of Public Service to the Kansas Corporation Commission on 01/24/2024.

6. On 01/24/2024, and 02/08/2024, Commission Staff (Staff) forwarded notices of incomplete application status to NO LIMITS EXCAVATING LLC. NO LIMITS EXCAVATING LLC has failed to present the following items to the Commission as required to complete the application process:

1. Liability Insurance(Form E)

7. NO LIMITS EXCAVATING 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 NO LIMITS EXCAVATING 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 NO LIMITS EXCAVATING LLC for Certificate of Public Service, is reasonable under the circumstances.

THEREFORE, THE COMMISSION ORDERS:

(A) The application of NO LIMITS EXCAVATING LLC of DODGE CITY 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 30 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).