

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of **Free State**)
Growers, Inc., d/b/a Alex R. Masson of Linwood,)
Kansas Regarding the Violation of the Motor Carrier) Docket No. 15-TRAM-246-PEN
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier Authority.)

ORDER GRANTING STAFF'S MOTION TO DISMISS REQUEST FOR HEARING

The above-captioned 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 fully advised on the premises, the Commission finds and concludes as follows:

1. On December 23, 2014, the Commission entered a Penalty Order against Free State Growers, Inc., d/b/a Alex R. Masson, (Respondent) assessing civil penalties for violations of motor carrier safety statutes, rules and regulations found by the Commission during a November 12, 2014, compliance review.
2. On or about January 2, 2015, Respondent filed a Request for Hearing.
3. No Notice of Hearing setting the matter for hearing before the Commission has yet been filed in this docket.
4. In the meantime, Litigation Counsel for Staff and Respondent have conferred and agreed that Respondent was not contesting the violations found during the Commission's November 12, 2014, compliance review, thereby negating the need for hearing.

5. On January 12, 2015, Staff filed a Motion to Dismiss Request for Hearing, recommending the Commission dismiss the Respondent's Request for Hearing based on the agreement reached by the parties.

6. The Commission has jurisdiction over this proceeding pursuant to K.S.A. 2013 Supp. 66-1,129 and K.A.R. 82-4-3, *et seq.*

7. The Commission finds that Staff's request is reasonable and hereby dismisses Respondent's Request for Hearing.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) Staff's Motion to Dismiss Request for Hearing is hereby granted.

(B) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 15 2015



Order Mailed Date JAN 16 2015

Neysa Thomas
Acting Secretary

MJD

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MARK ILLAUSKY, PRESIDENT FREE STATE GROWERS, INC. D/B/A ALEX R. MASSON PO BOX 170 LINWOOD, KS 66052-0170		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

Order Mailed Date JAN 16 2015

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.