

5. On November 27, 2017, the Conservation Division mailed Operator a letter notifying Operator of the deficiencies in its application, a copy of which is attached to this Order as Attachment A and hereby incorporated by reference. The letter provided Operator with a detailed explanation of Staff's basis for recommending denial of the Operator's license application, and required a response by December 7, 2017. To date, Operator has not provided a satisfactory response.

III. STAFF'S RECOMMENDATION

6. Staff recommends the subject application be denied.

IV. CONCLUSIONS OF LAW

7. Based on the available facts, the Commission finds Operator's application does not meet the requirements of K.S.A. 55-155 and K.A.R. 82-3-120, and Staff's recommendation to deny Operator's application is reasonable.

8. Pursuant to K.A.R. 82-3-120(i), denial of Operator's application for license constitutes a summary proceeding under K.S.A. 77-537.

THEREFORE, THE COMMISSION ORDERS THAT:

(A) The Operator's license application is hereby denied.


(B) Pursuant to K.S.A. 77-537 and 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 266 N. Main, Suite 220, Wichita, Kansas 67202 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. If no hearing is requested, this summary order shall become final effective upon the expiration of the time for requesting a hearing.

(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.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 18 2018


Lynn M. Retz
Secretary to the Commission

Mailed Date: JAN 19 2018

JRM

Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513



Phone: 316-337-6200
Fax: 316-337-6211
<http://kcc.ks.gov/>

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Sam Brownback, Governor

**ACTION REQUIRED:
POSSIBLE LICENSE DENIAL**

November 27, 2017

Joe Brake dba Brake Inc.
RT 1 BOX 84
33527 2nd Road
Latham, Kansas 67072

RE: License #31074

Operator:

Commission Staff is in receipt of your November 16, 2017, license renewal application. Your application will be denied pursuant to K.S.A. 55-155(c)(4) because your license is not in compliance with Commission statutes, regulations, and orders, if further clarifying information is not received by December 7, 2017.

Specifically, available records indicate your license is suspended for non-compliance under KCC Docket 16-CONS-4117-CPEN. Under K.S.A. 55-155(c)(4), no application or renewal shall be approved until the applicant has demonstrated to the Commission's satisfaction that the operator complies with all requirements of K.S.A. Chapter 55.

Please respond providing information clarifying Staff's understanding of your non-compliance under KCC Docket 16-CONS-4117-CPEN no later than December 7, 2017, to avoid license denial.

Sincerely,

Cyndee Maine
Administrative Assistant

CERTIFICATE OF SERVICE

18-CONS-3262-CMSC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **JAN 1 8 2018**.

Joe Brake
d/b/a Joe Brake Inc.
Rt 1 Box 84
33527 2ND Road
Latham, KS 67072

Electronically to:

Jonathan Myers
Kansas Corporation Commission
J.myers@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

JAN 1 9 2018