

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 Application of VOGEL FARMS OF)
MARION, KS LLC, of MARION KS, for the) 15-TRAM-5167-TRA
Abandonment of Certificate of Public Service.)

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 FINDINGS OF FACTS

4. On or about March 18, 2015, Dina Vogel of VOGEL FARMS OF MARION, KS LLC, of MARION, KS, submitted a written Request for Abandonment of Certificate of Public Service identified by KSMCID No. 260158. The written request explained that VOGEL FARMS OF MARION, KS LLC is now on farm tags.

5. VOGEL FARMS OF MARION, KS LLC's Certificate of Public Service issued by the Commission on September 25, 2009, 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 VOGEL FARMS OF MARION, KS LLC Request for Abandonment of Certificate of Public Service identified by KSMCID No. 260158.

IV. CONCLUSIONS OF LAW

8. Based upon the available facts, the Commission finds that Staff's recommendation to grant VOGEL FARMS OF MARION, KS LLC's Request for Abandonment of Certificate of Public Service, is reasonable under the circumstances.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) VOGEL FARMS OF MARION, KS LLC's Request for Abandonment of Certificate of Public Service is hereby granted.

(B) The common operating authority certificate issued to VOGEL FARMS OF MARION, KS LLC on September 25, 2009, identified by KSMCID No. 260158, is hereby cancelled..

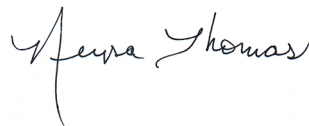
(C) A party may file a petition for reconsideration of this Order within thirty (30) days of the date of this Order. If the service is by mail, three (3) additional days may be added to the thirty (30) day time limit to petition for reconsideration. K.S.A. 118b; K.S.A. 66-1,105; K.S.A. 77-529(a)(1).

(D) 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.

Mark Sievers, Chairman; Thomas E. Wright, Commissioner; Shari Feist Albrecht, Commissioner

Dated: MAR 19 2015



Neysa Thomas
Acting Executive Director

ORDER MAILED MAR 19 2015