

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 M & M GRAIN BIN)
SYSTEMS INC, of GARDEN CITY KS, for a Private) 15-TRAM-5149-TRA
Carrier Permit.)

ORDER DISMISSING APPLICATION
FOR PERMIT OF PRIVATE AUTHORITY

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 STATEMENT OF FACTS

4. Pursuant to K.A.R. 82-4-32, each applicant filing an application for private carrier permits 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.

5. M & M GRAIN BIN SYSTEMS INC submitted an application for a permit of private authority to the Kansas Corporation Commission on December 22, 2014.

6. On or about January 6, 2015, and January 27, 2015, Commission Staff (Staff) forwarded notices of incomplete application status to M & M GRAIN BIN SYSTEMS INC. M & M GRAIN BIN SYSTEMS INC has failed to present the following items to the Commission as required to complete the application process:

a. articles of incorporation

7. M & M GRAIN BIN SYSTEMS INC 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 M & M GRAIN BIN SYSTEMS INC's failure to provide the requested items resulting in an incomplete application, Staff recommends the Commission dismiss its application for permit of private authority, pursuant to K.A.R. 82-4-32.

IV. CONCLUSIONS OF LAW

9. Based on the available facts, the Commission finds that Staff's request to dismiss the application of M & M GRAIN BIN SYSTEMS INC for permit of private authority, is reasonable under the circumstances.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The application of M & M GRAIN BIN SYSTEMS INC of GARDEN CITY KS, for a Private Carrier Permit is hereby dismissed.

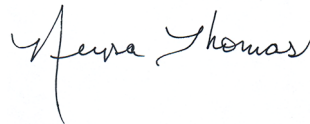
(B) A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

(C) 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.

Feist Albrecht, Chr; Emler, Com.; Apple, Com.

Dated: FEB 23 2015



Neysa Thomas
Acting Executive Director

ORDER MAILED FEB 23 2015