

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Investigation of **David**)
Brandyberry, d/b/a B Bar K Tree Service, of)
Lenora, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 18-TRAM-069-PEN
Regulations and the Commission's Authority)
to Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

ORDER WITHDRAWING MOTION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On August 17, 2017, the Commission issued a Penalty Order in this docket, assessing David Brandyberry, d/b/a B Bar K Tree Service (Tree Service) a civil penalty for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review on July 19, 2017, by Kansas Corporation Commission Special Investigator Penny Fryback.
2. On August 31, 2017, the Commission issued an Order Amending Penalty Order, reducing the civil penalty to \$100.
3. As of October 31, 2017, Tree Service had failed to comply with the requirements of the Commission's Order Amending Penalty Order, dated August 31, 2017.

4. On November 3, 2017, Staff filed a Motion to Motion to Suspend Intrastate Motor Carrier Operations due to the Respondent's noncompliance with the Order Amending Penalty Order.

5. On November 4, 2017, Tree Service remitted the full \$100 civil penalty to the Transportation Division.

6. On November 6, 2017, Staff filed a Motion to Withdraw Motion to Suspend Intrastate Motor Carrier Operations due to Respondent's full compliance with the Order Amending Penalty Order.

7. Pursuant to Respondent's Payment and Staff's Motion, the Motion to Suspend Intrastate Motor Carrier Operations is withdrawn.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) Staff's October 31, 2017 Motion to Suspend Intrastate Motor Carrier Operations, filed in this docket, is withdrawn.

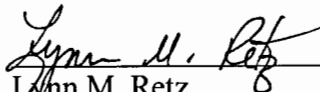
(B) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

(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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 09 2017


Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

NOV 09 2017

CERTIFICATE OF SERVICE

18-TRAM-069-PEN

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 NOV 09 2017.

DAVID BRANDYBERRY, OWNER
DAVID BRANDYBERRY
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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
NOV 09 2017