

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
Joseph F. Harkins
Ward Loyd

In the Matter of the Investigation of **Belle Springs**)
Trucking, Inc., of Abilene, Kansas, Pursuant to the)
Kansas Highway Patrol Issuance of a Notice of) Docket No. 11-GIMM-309-KHP
Violation for Violations of the Kansas Motor Carrier)
Safety Statutes, Rules and Regulations.)

ORDER GRANTING STAFF'S UNOPPOSED MOTION TO DISMISS
RESPONDENT'S REQUEST FOR HEARING

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 September 16, 2010, the Kansas Highway Patrol (KHP) issued citations assessing fines against Belle Springs Trucking, Inc., (Respondent) for violations of motor carrier safety regulations enforceable by the Commission.
2. On October 26, 2010, Respondent submitted a written request for a hearing in this matter.
3. On October 26, 2010, the Commission issued a Notice of Hearing setting this matter to be heard on December 9, 2010, at 1:30 p.m.
4. On November 17, 2010, Mr. Dan Reiff, Respondent's secretary and treasurer, and Mike Hoeme, Director of Transportation, (Staff) discussed the Respondent's concerns regarding the citation received for failure to pay UCR fees for the 2010 calendar year. In the course of the discussion, Staff agreed to relay the Respondent's concerns regarding the fee payment system to

the appropriate representative of the Federal Motor Carrier Safety Administration (FMCSA) and Respondent agreed to submit payment for the violation as cited.

5. Staff stated in its unopposed motion that the parties have resolved this matter and no longer desire to have the matter heard before the Commission as scheduled on December 9, 2010. As a result, Staff moved to have the matter removed from the Commission's hearing calendar and the docket officially closed.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

- (A) Respondent's Request for Hearing, filed on October 26, 2010, is hereby dismissed.
- (B) The above-captioned matter is removed from the December 9, 2010 docket.
- (C) The parties have fifteen days, plus three 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. 2009 Supp. 77-529(a)(1).
- (D) 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.

Wright, Chmn.; Harkins, Com.; Loyd, Com.

Dated: DEC 06 2010

ORDERED MAILED

DEC 06 2010

Susan K. Duffy
DIRECTOR

Susan K. Duffy
Executive Director

JJ:vj