THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners:	Shari Feist Albrecht, Chair Jay Scott Emler Dwight D. Keen

In the Matter of the Application of PADIERNA TRUCKING LLC, of EMPORIA KS, for a Certificate of Public Service.	)	
	)	19-TRAM-5044-TRA
	)	

ORDER GRANTING APPLICATION
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 FINDING OF FACTS

4. Pursuant to K.A.R. 82-4-32, each applicant filing an application for an intrastate common carrier certificate 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. On 12/27/2018, the Kansas Corporation Commission received an application from PADIERNA TRUCKING LLC for a Certificate of Public Service that would authorize the operation as a common motor carrier in the transportation of general commodities between all points and places in the State of Kansas. The carrier provided all information required to complete the application within 30 days of its submission.

6. Proper notice of the PADIERNA TRUCKING LLC's application for Certificate of Public Service was given pursuant to K.S.A. 66-1,114b, and no objections were received.

III. STAFF'S RECOMMENDATION

7. Staff recommends that the Commission grant the application of PADIERNA TRUCKING LLC for a Certificate of Public Service to operate as a common motor carrier in the transportation of private property between all points and places in the state of Kansas.

IV. CONCLUSIONS OF LAW

8. Based upon the available facts, the Commission finds that Staff's recommendation to grant the application of PADIERNA TRUCKING LLC for a Certificate of Public Service, is reasonable under the circumstances.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The application of PADIERNA TRUCKING LLC of EMPORIA KS, for a Certificate of Public Service is hereby granted.

(B) The Certificate of Public Service designated as USDOT Number 3223845 is hereby issued to PADIERNA TRUCKING LLC of EMPORIA KS.

(C) This authority is granted upon the further condition that the carrier shall

conform to the rules and regulations pertaining to publications and filing of tariff, rates and charges.

(D) The authority granted herein does not become effective prior to the date on which the tariff covering the operation authorized becomes effective.

(E) This Order constitutes a summary order, pursuant to K.S.A. 77-537, and is subject to a party's request for a hearing. A party may request a hearing on the above issues by serving a written request for hearing on the Commission's Transportation Division at 1500 SW Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days of the date of service of this Order. If service is by mail, service is complete upon mailing, but three (3) days shall be added to the allowed time. If a hearing is not requested, the Order shall become effective upon the expiration of the time for requesting a hearing. Moreover, upon being served with this Order, a party may waive its right to a hearing.[1] The Order shall become effective upon such waiver.

(F) 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, but three (3) days shall be added to the above time frame.[2]

(G) A corporation shall appear before the Commission by a Kansas licensed attorney.[3]

(H) 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; Keen, Commissioner

Dated: JAN 10 2019

Lynn M. Retz

[1] K.S.A. 77-504.
[2] K.S.A. 66-118b; K.S.A. 77-529(a)(1).
[3] K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

Lynn M. Retz
Secretary to the Commission