

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 ASPEN MOUNTAIN)
LLC, of PUEBLO CO, Seeking Authority for a Certificate) 15-TRAM-5182-TRA
of Public Service.)

ORDER DISMISSING APPLICATION
FOR PUBLIC SERVICE 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 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. ASPEN MOUNTAIN LLC submitted an application for a Certificate of Public Service to the Kansas Corporation Commission on March 2, 2015.

6. On or about March 6, 2015, and March 24, 2015, Commission Staff (Staff) forwarded notices of incomplete application status to ASPEN MOUNTAIN LLC. ASPEN MOUNTAIN LLC has failed to present the following items to the Commission as required to complete the application process:

a. cargo insurance (Form H)

7. ASPEN MOUNTAIN LLC 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 ASPEN MOUNTAIN LLC's failure to provide the requested items resulting in an incomplete application, Staff recommends the Commission dismiss its application for Certificate of Public Service, 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 ASPEN MOUNTAIN LLC for Certificate of Public Service, is reasonable under

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the circumstances.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The application of ASPEN MOUNTAIN LLC of PUEBLO CO, for a Certificate of Public Service is hereby dismissed.

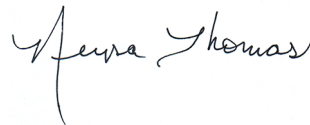
(B) A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

(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: APR 09 2015



Neysa Thomas
Acting Executive Director

ORDER MAILED APR 09 2015