

Received  
on

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

**SEP 15 2011**

In the Matter of the Investigation of **EEI, LLC of** )  
**Hotchkiss, Colorado**, Pursuant to the Kansas )  
Highway Patrol Issuance of a Notice of Violation ) Docket No. 12-GIMM-012-KHP  
for Violations of the Kansas Motor Carrier Safety )  
Statutes, Rules and Regulations. )

by  
State Corporation Commission  
of Kansas

**STAFF'S SECOND MOTION FOR CONTINUANCE**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (Commission and Staff, respectively), and motions the Commission to continue the hearing currently scheduled in the above-referenced docket on October 13, 2011 at 10:00 a.m., and extend the deadlines for filing of direct testimony. In support of its Motion, Staff states as follows:

1. On May 4, 2011, the Kansas Highway Patrol issued a Notice of Violation against EEI, LLC (Respondent) for alleged violations found during an April 27, 2011, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol.
2. On July 11, 2011, Respondent's counsel, Jason P. Hoffman of Hoffman & Hoffman, filed a Request for Hearing on behalf of Respondent.
3. On July 12, 2011, Commission Staff (Staff) issued a Notice of Hearing which set the matter for hearing by the Commission on August 11, 2011, at 11:30 a.m., and established deadlines for prefiled testimony.
4. On August 3, 2011, the Commission entered an order approving Staff's Motion to Continue which was filed on July 27, 2011.

5. Additional time is necessary to allow the criminal case against Respondent in the District Court of Wabaunsee County, Kansas, charges arising from the motor carrier stop, sufficient time to be decided. Upon conclusion, Staff and Mr. Hoffman will discuss the need, if any, for Respondent's request for hearing to be renewed and its contested issues be brought before the Commission.

6. Staff therefore requests that the hearing in this matter be continued until February 9, 2012, at 10:30 a.m.; that the filing date for the parties' prefiled direct testimony be extended to ten days prior to the extended hearing date, and that the rebuttal testimony be presented at the hearing in February 2012.

WHEREFORE, for the reasons set forth above, Staff respectfully requests that the Commission grant this Motion for Continuance and that the hearing currently scheduled in this matter be continued until February 9, 2012, at 10:30 a.m.; that the filing date for the parties' prefiled direct testimony be extended to ten days prior to the extended hearing date, and that any rebuttal testimony of the parties be presented at the hearing in February 2012.

Respectfully submitted,



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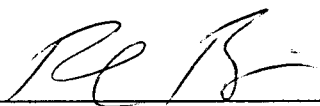
Raymond Bergmeier, S.Ct. #24974  
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For Commission Staff

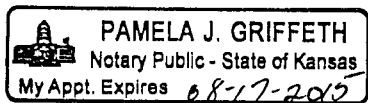
**VERIFICATION**

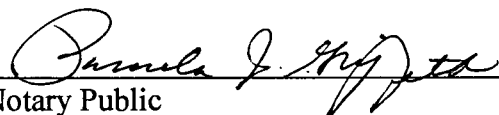
STATE OF KANSAS                    )  
                                                  ) ss.  
COUNTY OF SHAWNEE            )

Raymond Bergmeier, of lawful age, being duly sworn upon his oath deposes and states that he is Assistant Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Staff's Second Motion for Continuance* and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Raymond Bergmeier, S.Ct. #24974  
Assistant Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of September, 2011.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: August 17, 2015

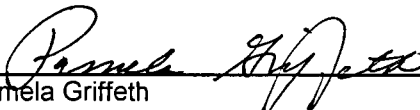
**CERTIFICATE OF SERVICE**

12-GIMM-012-KHP

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Second Motion For Continuance was placed in the United States mail, postage prepaid, or hand-delivered this 15th day of September, 2011, to the following:

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\*\*\*Hand Delivered\*\*\*

  
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Pamela Griffeth  
Administrative Specialist