## BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Investigation of **Danny G.** ) **Lambeth, d/b/a Truck Wholesale of Wellsville,** ) **Kansas**, Pursuant to the Kansas Highway Patrol ) Issuance of a Notice of Violation(s) and Invoice for the ) Violations of the Kansas Motor Carrier Safety Statutes, ) Rules and Regulations. )

Docket No. 20-GIMM-211-KHP

## **STAFF'S MOTION FOR PROCEDURAL SCHEDULE**

The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively), by and through its counsel, Ahsan A. Latif, hereby files its Motion for Procedural Schedule. In support, Staff states as follows:

1. On September 20, 2019, the Kansas Highway Patrol issued a Notice of Violation(s) against Danny G. Lambeth d/b/a Truck Wholesale (Mr. Lambeth), for alleged violations found during a September 13, 2019, routine motor carrier stop and inspection, Driver/Vehicle Inspection Report No. KSHP04200689, conducted by the Kansas Highway Patrol (KHP). Lambeth was assessed \$450 in civil fines, comprised of the following violations: a \$150.00 fine for No or defective brake warning device, citing 393.51, a \$150.00 fine for Tire-flat and/or audible air leak, citing 393.75A3 and a \$150.00 fine for Inspection/repair and maintenance of parts & accessories, citing 396.3A1.

2. On October 15, 2019, Mr. Lambeth initiated a formal challenge with the KHP.

3. On October 22, 2019, the Kansas Highway Patrol denied Mr. Lambeth's challenge and advised Mr. Lambeth of its right to an administrative hearing before the Commission.

4. In a letter hand delivered on November 3, 2019, Mr. Lambeth requested a hearing before the Commission.

5. On February 6, 2020, the Commission issued an Order Setting Procedural Schedule which set a hearing in this matter for Wednesday April 15, 2020.

6. On March 12, 2020, Governor Laura Kelly issued an emergency declaration for the State of Kansas in response to COVID-19.

7. March 19, 2020, the Commission, via emergency proceedings pursuant to K.S.A. 77-536(b), generally stayed all open dockets and suspended all deadlines in all Commission dockets.<sup>1</sup> On April 9, 2020, the Commission modified its March 19, 2020, emergency order, stating that all deadlines will be extended by 30 days.<sup>2</sup> On April 14, 2020, the Commission clarified its modification, stating that all filing and regulatory deadlines in place on March 23, 2020, would be extended an additional 30 days from the lifting of stay-at-home restrictions, or until the Commission directed otherwise.<sup>3</sup>

8. On June 15, 2021, the Governor rescinded executive orders related to the state Kansas' emergency response to the COVID-19 pandemic. Subsequently, the Commission began holding in-person hearings that were open to the public.

9. On June 22, 2021, after confirming the availability of witnesses for a proposed hearing date, Counsel for Staff contacted Mr. Lambeth about his availability for a hearing on this matter. Mr. Lambeth stated he was unable to confirm his availability for a date so far in the future.

10. The schedule proposed by Staff is as follows:

<sup>&</sup>lt;sup>1</sup>See Emergency Order Staying All Dockets (Mar. 19, 2020) (issued in this docket).

<sup>&</sup>lt;sup>2</sup>See Amended Emergency Order Staying All Docket (Apr. 9, 2020).

<sup>&</sup>lt;sup>3</sup>See Order Clarifying Amended Emergency Order Staying All Dockets (Apr. 14, 2020).

Date	Time	Location	Action
Friday, August 20, 2021	5 p.m.	Commission's E-filing system	Staff's Pre-filed Testimony
Friday, August 27, 2021	5 p.m	Commission's E-filing system	Danny Lambeth's Pre-filed Testimony
Friday, September 3, 2021	5 p.m.	Commission's E-filing system	Rebuttal Testimony
Tuesday, September 14, 2021	10 a.m.	First Floor Conference Room	Evidentiary Hearing

WHEREFORE, Staff respectfully requests the Commission issue an order establishing the above procedural schedule.

Respectfully submitted,

Isl Ahsan Latif

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Attorney for Commission Staff

## **CERTIFICATE OF SERVICE**

20-GIMM-211-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion for Procedural Schedule was served via electronic service this 28th day of June, 2021, to the following:

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