

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

Kansas other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2018 Supp. 66-1,129, until such time as it pays the civil fine of \$550 and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations.²

3. On November 6, 2019, Danny Lambeth filed a Request for Hearing, claiming that he is not a motor carrier, and outside the Commission's jurisdiction.

4. Pursuant to K.S.A. 77-511, the Prehearing Officer schedules a hearing on the Suspension of Lambeth's Motor Carrier Operations for November 14, 2019, beginning at 1:00 p.m., and concluding by 2:00 p.m., in the First Floor Hearing Room at the Commission's Topeka Office, 1500 SW Arrowhead Road, Topeka, Kansas 66604.

5. The hearing will be formal in nature and will involve both the rules of civil procedure and the rules of evidence. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.³

6. If any party fails to appear and participate in this hearing, the Commission may hear evidence against the party and enter an order consistent with the evidence. Failure to participate may result in default judgment against the Respondent.⁴

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. A hearing on the Suspension of Lambeth's Motor Carrier Operations is scheduled for **Thursday, November 14, 2018, beginning at 1:00 p.m. and concluding**

² Order Suspending Motor Carrier Operations in Kansas, Oct. 14, 2019, ¶ 10.

³ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1 -202(a).

⁴ K.S.A. 77-520.

by 2:00 p.m., in the First Floor Hearing Room at the Commission's Topeka Office, 1500 SW Arrowhead Road, Topeka, Kansas 66604.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁵

C. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

Dated: November 8, 2019

/s/ Brian G. Fedotin
Brian G. Fedotin
Prehearing Officer

⁵ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

17-GIMM-408-KHP

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on 11/08/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe