

**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 Investigation of BMS                      )  
Transportation Company, Inc. of Platte City,                      )  
Missouri, Pursuant to the Kansas Highway                      )  
Patrol Issuance of a Notice of Violation for                      )  
Violation(s) of the Kansas Motor Carrier                      )                      Docket No. 15-GIMM-212-KHP  
Safety Statutes, Rules and Regulations and                      )  
the Commission's Authority to Impose                      )  
Penalties, Sanctions and/or the Revocation                      )  
of Motor Carrier Authority.                      )

**ORDER GRANTING CONTINUANCE**

This matter comes before the Kansas Corporation Commission (Commission) for consideration and determination. Having reviewed the pleadings and record, the Commission finds and concludes as follows:

1. On or about July 7, 2014, the Kansas Highway Patrol (KHP) issued a Notice of Violation assessing fines against BMS Transportation Company, Inc. (BMS), for violations found during a June 23, 2014, routine motor carrier stop and inspection.
2. On or about November 19, 2014, BMS submitted a Request for Hearing.
3. On November 24, 2014, Commission Staff (Staff) filed a Notice of Hearing setting the matter for hearing before the Commission on January 14, 2015, at 9:30 a.m.
4. On December 2, 2014, Staff requested rescheduling the hearing for February 16, 2015,<sup>1</sup> because a KHP witness in this docket recently experienced a significant family tragedy and loss. Staff also requested extending the filing date for the parties' prefiled direct testimony to

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<sup>1</sup> The Commission is not available February 16, 2015.

ten days prior to the newly-scheduled hearing date, and allowing rebuttal testimony to be presented at the hearing. BMS did not oppose the request for a continuance.

5. On December 11, 2014, the Commission issued an Order Granting Continuance, rescheduling the hearing for February 11, 2015.

6. On January 30, 2015, Ken Pratt, the Owner of BMS, sought permission to appear pro se. In response to BMS's request, the prehearing officer conducted a status conference advising that since a Commission Order on BMS's request would not be available until February 10, 2015, the parties may want to request a continuance in the event that BMS needs to find counsel for the hearing.

7. On February 4, 2015, BMS filed its Motion for Continuance explaining the uncertainty over its request to appear pro se necessitates a continuance. Staff does not oppose BMS's Motion.

8. K.A.R. 82-1-226 gives the Commission broad discretion to grant a continuance for good cause shown. The Commission finds BMS has demonstrated good cause to continue the hearing. Accordingly, pursuant to K.A.R. 82-1-226, the Commission grants BMS's Motion for Continuance.

**THEREFORE, THE COMMISSION ORDERS:**

A. The hearing is rescheduled for March 18, 2015, at 9:00 a.m.

B. The filing date for the parties' prefiled direct testimony was January 30, 2015.

Rebuttal testimony may be presented at the hearing.

C. The parties have fifteen days, plus three days if served by mail, from the date of service to petition for reconsideration.<sup>2</sup>

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<sup>2</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner.

Dated: FEB 10 2015



ORDER MAILED FEB 11 2015

Neysa Thomas  
Acting Secretary

BGF

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
KEN PRATT BMS TRANSPORTATION COMPANY, INC. PO BOX 2326 PLATTE CITY, MO 64079		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
BRIAN G. FEDOTIN, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED FEB 11 2015

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.