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Kansas Corporation Commission
/S/ Kim Christiansen
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**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

JUL 17 2013
by
State Corporation Commission
of Kansas

In the Matter of the Investigation of **Mark Buss, d/b/a**)
Auto Transport of Newton, Kansas, Pursuant to the)
Kansas Highway Patrol Issuance of a Notice of)
Violation for Violation(s) of the Kansas Motor Carrier) Docket No. 13-GIMM-702-KHP
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier Authority.)

MOTION TO DISMISS REQUEST FOR HEARING

Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) presents the above-captioned matter to the Commission for dismissal of Mark Buss, d/b/a Auto's (Respondent) Request for a Hearing with prejudice. In support of its Motion, Staff states as follows:

1. On April 2, 2013, the Kansas Highway Patrol (KHP) issued a Notice of Violation against Respondent for alleged violations found during a March 27, 2013, routine motor carrier stop and inspection conducted by the KHP.
2. On May 20, 2013, Respondent submitted a request for hearing on this matter, which opened Docket No. 13-GIMM-702-KHP.
3. On June 7, 2013, Staff filed a Motion for Procedural Schedule in this matter. The Motion alleged Respondent failed to set forth the specific grounds upon which relief is being sought, and requested the Commission direct him to submit clarification by way of a list of contested issues prior to the prehearing conference and evidentiary hearing in this matter.

4. On June 26, 2013, the Commission issued an Order Setting Procedural Schedule in this matter. This Order gave Respondent a deadline of July 15, 2013, to submit a list of contested issues supported by testimony.

5. Respondent failed to file its list of contested issues supported by testimony on or before July 15, 2013. Further, Respondent has not filed its list of contested issues supported by testimony as of the date of this filing.

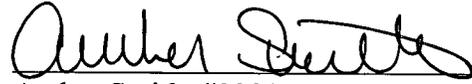
6. Staff moves to dismiss Respondent's Request for Hearing based on the fact that Respondent failed to set forth the specific grounds upon which relief is being sought, and failed to file its list of contested issues supported by testimony in accordance with the Commission's Order.

7. Staff further requests the above-referenced docket be removed from the Commission's August 8, 2013, transportation docket and the status of this docket be changed to "closed."

8. All Commission notices of violations, subsequent invoices and enforcement actions, if any, against Respondent remain in effect.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission find that Respondent's Request for Hearing be dismissed, the above-captioned docket be removed from the Commission's August 8, 2013, transportation docket, the status of this docket be changed to "closed," and that all Commission notices of violations, subsequent invoices and enforcement actions, if any, remain in effect.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amber Smith", written over a horizontal line.

Amber Smith, #23911

Litigation Counsel

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For Commission Staff

VERIFICATION

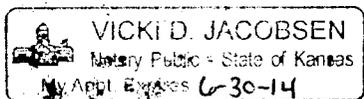
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

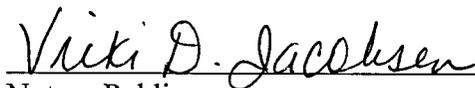
Amber Smith, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Motion to Dismiss Request for Hearing* and attests that the statements therein are true to the best of her knowledge, information and belief.



Amber Smith, S. Ct. #23911
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 17th day of July, 2013.




Notary Public

My Appointment Expires: June 30, 2014

CERTIFICATE OF SERVICE

13-GIMM-702-KHP

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Motion to Dismiss Request for Hearing was placed in the United States mail, postage prepaid, or hand-delivered this 17th day of July, 2013, to the following:

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