

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Kansas Corporation Commission
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Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

February 28, 2012

VIA CERTIFIED MAIL – RECEIPT NO. 7009 2820 0000 5905 5877
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Cline I. Boone
Attorney at Law
PO Box 860743
Shawnee Kansas 66286

RE: In the Matter of the Investigation of Miller Paving & Construction, LLC
Docket No. 12-DPAX-390-PEN

NOTICE OF HEARING

On or about February 10, 2012, the State Corporation Commission of the State of Kansas (Commission) issued a Penalty Order against Miller Paving & Construction, LLC (Respondent) for violations of The Kansas Underground Utility Damage Prevention Act, and on February 27, 2012, Respondent timely filed a Request for Hearing.

Pursuant to K.S.A. 77-511, the above referenced matter has been set for hearing. The hearing will be held on April 10, 2012, at 9:00 a.m., or as soon thereafter as scheduling permits, in the First Floor Hearing Room at the Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604.

The hearing will be formal in nature and will involve both the rules of civil procedure and the rules of evidence. Please note that K.A.R. 82-1-228(d)(2) requires that corporations appear through an attorney.

Pursuant to K.A.R. 82-1-229(c), parties will prefile direct testimony ten (10) days prior to the scheduled hearing date. One original and seven copies of the prefiled testimony must be filed with the Executive Director of the Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604. Rebuttal testimony may be presented at the hearing.

If any party(s) fails to appear and participate in this hearing, the Commission may proceed to hear evidence against the party(s) and enter such order as shall be justified by the evidence. Failure to participate may result in default judgment against the Respondent pursuant to K.S.A. 77-520. Further, at any point in the proceedings, a proceeding may be converted into another type of agency proceeding pursuant to K.S.A. 77-506.

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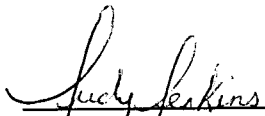
Notice of Hearing
Page 2

Any person requiring special accommodations under the Americans With Disabilities Act needs to give notice to the Commission at least ten (10) days prior to the scheduled hearing date.

The Commission will preside over this hearing. The attorney designated to appear on behalf of the agency is Judy Jenkins, telephone number 785-271-3181, 1500 SW Arrowhead Road, Topeka, Kansas 66604.

If applicable, any and all prehearing orders issued in this matter are attached in accordance with K.S.A. 77-518(b).

By:



Judy Jenkins, S. Ct. #23300
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