

Received  
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MAR 21 2012

by  
State Corporation Commission  
of Kansas

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

In the Matter of the Investigation of **EEI, LLC of** )  
**Hotchkiss, Colorado**, Pursuant to the Kansas )  
Highway Patrol Issuance of a Notice of Violation ) Docket No. 12-GIMM-012-KHP  
for Violations of the Kansas Motor Carrier Safety )  
Statutes, Rules and Regulations. )

**STAFF'S MOTION FOR STAY**

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (Commission and Staff, respectively), and motions the Commission to stay the proceedings in the above-referenced docket, pending conclusion of the criminal case against Respondent. In support of its Motion, Staff states as follows:

1. On May 4, 2011, the Kansas Highway Patrol issued a Notice of Violation against EEI, LLC (Respondent) for alleged violations found during an April 27, 2011, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol.
2. On July 11, 2011, Respondent's counsel, Jason P. Hoffman of Hoffman & Hoffman, filed a Request for Hearing on behalf of Respondent.
3. On July 12, 2011, Commission Staff (Staff) issued a Notice of Hearing which set the matter for hearing by the Commission on August 11, 2011, at 11:30 a.m., and established deadlines for prefiled testimony.

4. On July 27, 2011, Staff filed a Motion to Continue and on August 3, 2011, the Commission entered an order continuing the hearing to October 13, 2011.

5. On September 15, 2011, Staff filed a Second Motion to Continue and on September 22, 2011, the Commission entered an order continuing the hearing to February 2012.

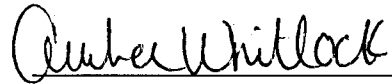
6. On December 30, 2011, Staff filed a Third Motion to Continue and on January 6, 2012, the Commission entered an order continuing the hearing to April 12, 2012.

7. Staff files this Motion for Stay as additional time is necessary to allow the criminal case against Respondent sufficient time to be decided. (District Court of Wabaunsee County, Kansas, Case No. 2011 CR 103.) Charges against Respondent arising from the motor carrier stop are included in the criminal case. Upon conclusion, Staff and Mr. Hoffman will discuss the need, if any, for Respondent's request for hearing to be renewed and its contested issues be brought before the Commission.

8. Staff therefore requests that the hearing in this matter be stayed until the conclusion of the criminal case against Respondent.

WHEREFORE, for the reasons set forth above, Staff respectfully requests that the Commission grant this Motion for Stay and that the proceedings in this docket be stayed pending the conclusion of District Court of Wabaunsee County, Kansas, Case No. 2011 CR 103.

Respectfully submitted,



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Amber Whitlock, S.Ct. #23911  
Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604  
(785) 271-3301 (Telephone)  
(785) 271-3167 (Facsimile)  
Email: [a.whitlock@kcc.ks.gov](mailto:a.whitlock@kcc.ks.gov)

For Commission Staff

**VERIFICATION**

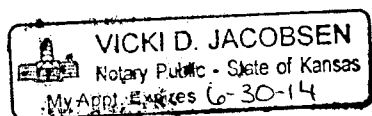
STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SHAWNEE            )

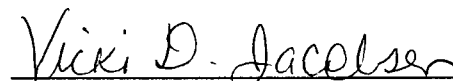
Amber Whitlock, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Motion for Stay* and attests that the statements therein are true and correct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



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

SUBSCRIBED AND SWORN to before me this 21<sup>st</sup> day of March, 2012.



  
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Notary Public

My Appointment Expires: June 30, 2014


**CERTIFICATE OF SERVICE**

12-GIMM-012-KHP

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Motion for Stay was placed in the United States mail, postage prepaid, or hand-delivered this 21st day of March, 2012, to the following:

JASON HOFFMAN, ATTORNEY  
HOFFMAN & HOFFMAN  
COMMERCE BANK TOWER  
100 SE 9TH ST 3RD FL E  
TOPEKA, KS 66612-1262  
Fax: 785-233-2173  
jphoffman@sbcglobal.net

AMBER WHITLOCK, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.whitlock@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

  
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Vicki Jacobsen