

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the General Investigation)
of Leon Shestak of Columbia Falls,)
Montana, Pursuant to the Kansas Highway)
Patrol Issuance of a Notice of Violation(s))
And Invoice for the Violations of the)
Kansas Motor Carrier Safety Statutes,)
Rules and Regulations.)
_____)

Docket No. 18-GIMM-083-KHP

**ORDER DESIGNATING PREHEARING OFFICER,
CANCELLING EVIDENTIARY HEARING, AND
SETTING PREHEARING CONFERENCE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On July 3, 2017, the Kansas Highway Patrol (KHP) issued a Notice of Violation(s) against Leon Shestak (Respondent), for alleged violations found during a June 29, 2017 routine motor carrier stop and inspection.
2. On August 4, 2017, the KHP denied the Respondent's challenge to the allegations.
3. On August 15, 2017, Respondent requested a hearing before the Commission.
4. On February 8, 2018, the Commission set the matter for hearing to commence on April 26, 2018 at 10:30 a.m.¹

¹ Order Setting Hearing at 4 (Feb. 8, 2018).

5. On April 13, 2018, Commission Staff (Staff) filed a Motion for Continuance of all deadlines, including the hearing, in order to pursue settlement negotiations.² Staff did not include a length of time or date certain by which to continue the matter.

6. Kansas law favors compromising and settling disputes.³ Therefore, the Commission finds Staff's motion should be granted. The Commission finds that a Prehearing Officer should be designated in this proceeding to address matters pursuant to K.S.A. 77-516-517.⁴ The Prehearing Officer shall hold a prehearing conference with the Parties in this matter on **Tuesday, May 15, 9:00 a.m.** by telephone, to discuss the status of the docket.

THEREFORE, THE COMMISSION ORDERS:

A. Staff's Motion for Continuance is granted and all procedural deadlines are hereby suspended until further notice.

B. The Prehearing Officer in this proceeding shall be Dustin L. Kirk, Deputy General Counsel, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, telephone number 785-271-3198, email address d.kirk@kcc.ks.gov.

C. A Prehearing Conference shall be held on **Tuesday, May 15, 2018, at 9:00 a.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN #7632914771.

D. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, and scheduling of a hearing with the Commission.

² Staff's Motion for Continuance at 1 (Apr. 13, 2018).

³ *Bright v. LSI Corp.*, 254 Kan. 853, 858 (1994).

⁴ See K.S.A. 77-551(c).

E. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default pursuant to KAPA.

F. A corporation shall appear before the Commission by a Kansas licensed attorney.⁵

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 04/19/2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: 04/20/2018

DLK/sc

⁵ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CERTIFICATE OF SERVICE

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I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
first class mail and electronic service on 04/19/2018.

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/S/ DeeAnn Shupe

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