

Received
on

MAY 11 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 TO LIFT STAY

COMES NOW the Staff of the State Corporation Commission of the State of Kansas (Commission and Staff, respectively), and motions the Commission to lift the stay in the above-referenced docket. 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. On March 21, 2012, Staff filed a Motion for Stay stating 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.)

8. Staff states that the criminal case has been concluded and recommends to the Commission that the stay in this docket be lifted for further proceedings.

WHEREFORE, for the reasons set forth above, Staff respectfully requests that the Commission grant this Motion to Lift Stay and the docket be open for further proceedings.

Respectfully submitted,



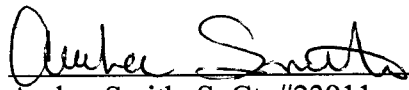
Amber Smith, S.Ct. #23911
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For Commission Staff

VERIFICATION

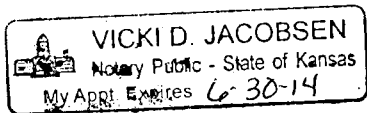
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

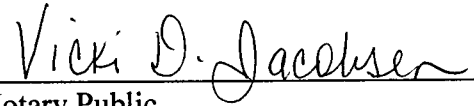
Amber Smith, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Staff's Motion to Lift Stay* and attests that the statements therein are true and correct 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 11th day of May, 2012.





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 Staff's Motion to Life Stay was placed in the United States mail, postage prepaid, or hand-delivered this 11th day of May, 2012, to the following:

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Vicki Jacobsen