THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

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

In the Matter of the Investigation of Mid-)	
America Road Builders, Inc. of Platte City,)	
Missouri, Pursuant to the Kansas Highway)	Docket No. 19-GIMM-167-KHP
Patrol Issuance of a Notice of Violation(s) and)	Docket 10. 17 Ghvhvi 107 Kili
Invoice for the Violations of the Kansas Motor)	
Carrier Safety Statutes, Rules and Regulations.)	
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ORDER DESIGNATING PREHEARING OFFICER AND SETTING PREHEARING CONFERENCE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed its files and records, and being fully advised in the premises, the Commission makes the following findings and conclusions:

- 1. On August 29, 2018, the Commission issued a Notice of Violation (Invoice No. H000576294) to Mid-America Road Builders, Inc. (Mid-America), stemming from a Kansas Highway Patrol (KHP) roadside vehicle inspection conducted on August 27, 2018.
- 2. On August 31, 2018, the Commission issued another Notice of Violation (Invoice No. H000576335) to Mid-America,³ stemming from a separate roadside inspection conducted on August 27, 2018.⁴
- 3. The above Notices of Violation informed Mid-America it could submit a challenge to the KHP, and depending on the outcome of the KHP challenge, it had "the right to an administrative hearing with the Kansas Corporation Commission."⁵

¹ Notice of Violation, p. 1 (Aug. 29, 2018) – filed in the docket on October 26, 2018.

² Driver/Vehicle Examination Report No. KSHP92100967 – filed in the docket on October 26, 2018.

³ Notice of Violation, p. 1 (Aug. 31, 2018) – filed in the docket on October 26, 2018.

⁴ Driver/Vehicle Examination Report No. KSHP92100966 – filed in the docket on October 26, 2018.

⁵ See Notice of Violation, p. 1 (Aug. 29, 2018); Notice of Violation, p. 1 (Aug. 31, 2018).

- 4. On October 2, 2018, Mid-America initiated formal challenges with the KHP on both invoices. ⁶
 - 5. On October 9, 2018, the KHP denied Mid-America's challenges.⁷
- 6. On October 25, 2018, the Commission received Mid-America's Request for Hearing, dated October 23, 2019.8
- 7. Based on the above, the Commission finds a Prehearing Officer should be designated in this proceeding to address any matter listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.
- 8. Although a Prehearing Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address m.duenes@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity. The Commission directs all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.

⁶ Challenge Letters to KHP (Oct. 2, 2018) – filed in the docket on October 26, 2018

⁷ KHP Denial Letter (Oct. 9, 2018) – filed in the docket on October 26, 2018.

⁸ Request for Hearing (Oct. 23, 2018) – filed in the docket on October 26, 2018.

B. A Prehearing Conference is scheduled for **Tuesday, March 26. 2019 at 10:30 a.m.**

by telephone. The conference call information is: telephone number (866) 620-7236, Conference

Code PIN: 7632914771#.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing

testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any

other issues that will promote the orderly and prompt resolution of this proceeding.

D. 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). Any party that fails to attend or

participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in

default under the KAPA.9

E. A corporation shall appear before the Commission by a Kansas licensed attorney. ¹⁰

F. The attorney designated to appear on behalf of the agency in this proceeding is Ahsan

Latif, Litigation Counsel, telephone number (785)-271-3118, a.latif@kcc.ks.gov.

G. The Commission retains jurisdiction over the subject matter and parties for the purpose

of entering further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 03/07/2019

Lynn M. Retz

Secretary to the Commission

Lynn M. Ret

MJD

⁹ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

¹⁰ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

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CERTIFICATE OF SERVICE

19-GIMM-167-KHP

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	<u></u> :	
MICHAEL DUENES, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 m.duenes@kcc.ks.gov	AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 a.latif@kcc.ks.gov	
KEN PRATT, PRESIDENT MID-AMERICA ROAD BUILDERS, INC. PO BOX 2336 PLATTE CITY, MO 64079		
	/S/ DeeAnn Shupe	

DeeAnn Shupe