

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

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Investigation of **Miller**)
Paving & Construction of Kansas City,)
Kansas, Regarding the Violation of the)
Kansas Underground Utility Damage) Docket No. 12-DPAX-390-PEN
Prevention Act, and the Commission's)
Authority to Impose Penalties and/or)
Sanctions.)

ORDER GRANTING STAFF'S MOTION FOR CONTINUANCE

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised on the premises, the Commission finds and concludes as follows:

1. On February 10, 2012, the Commission granted Staff's recommendation for a Penalty Order against Miller Paving & construction, LLC (Respondent) for alleged violations of the Kansas Underground Utility Damage Prevention Act (KUUDPA).
2. On or about February 27, 2012, Respondent filed a Request for Hearing.
3. On or about February 28, 2012, Staff issued a Notice of Hearing which set the matter for hearing before the Commission on April 10, 2012, at 9:00 a.m., and established deadlines for prefiled testimony.
4. On March 28, 2012, Staff filed a Motion to Continue the hearing explaining the parties have engaged in settlement discussions and therefore require additional time for negotiations. In its motion, Staff requested the hearing be continued

to May 24, 2012, at 10:00 a.m. and that the filing dates for parties prefiled direct testimony be extended to 10 days prior to the extended hearing date, and that the rebuttal testimony be presented during the hearing.

5. The Commission finds that it is reasonable to grant Staff's Motion and continues the evidentiary hearing on this matter from April 10, 2012, at 9:00 a.m. to May 24, 2012, at 10:00 a.m.; extends the filing date for the parties' prefiled direct testimony to 10 days prior to the extended hearing date; and any rebuttal testimony of the parties shall be presented at the hearing.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Staff's Motion for Continuance is granted and the hearing will be continued to May 24, 2012. The parties' prefiled testimony will be due ten (10) days prior to that date and any rebuttal testimony of the parties will be presented at the hearing.


B. The parties have thirty (30) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 66-1,105; K.S.A. 77-529.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated: APR 05 2012


ORDER MAILED APR 05 2012
Patrice Petersen-Klein
Executive Director

JJ

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
CLINE I. BOONE CLINE I. BOONE ATTORNEY AT LAW PO BOX 860743 SHAWNEE, KS 66286-0743		
JUDY JENKINS, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED **APR 05 2012**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.